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c 262 Public Health Act

Ontario

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6. PUBLIC HEALTH.

CHAPTER 262.

The Public Health Act.

INTERPRETATION.

Interpreta-
tion.

"Com-
municable
disease."

1. In this Act,—

(a) "Communicable disease" shall mean and include any contagious or infectious disease, and shall include smallpox, chickenpox, diphtheria, scarlet fever, typhoid fever, measles, German measles, glanders, cholera, erysipelas, tuberculosis, mumps, anthrax, bubonic plague, rabies, poliomyelitis and cerebrospinal meningitis, and any other disease which may be declared by the regulations to be a communicable disease;

"Depart-
ment."

(b) "Department" shall mean the Department of Health for Ontario;

"Deputy
Minister."

(c) "Deputy Minister" shall mean the Deputy Minister of Health for Ontario;

"House,"
"Household."

(d) "House" or "household" shall include a dwelling house, lodging house, or hotel, and a students' residence, fraternity house, or other building in which any person in attendance as a student, pupil or teacher, or employed in any capacity in or about a university, college, school or other institution of learning resides or is lodged;

"House-
holder."

(e) "Householder" shall include the proprietor, master, mistress, manager, housekeeper, janitor, and caretaker of a house;

"Local
Board."

(f) "Local board" shall mean the local board of health for any municipality;

"Medical
Officer of
Health."

(g) "Medical Officer of Health" shall mean the medical officer of health of the municipality appointed under this Act, or in unorganized territory a medical officer of health appointed by the Department for a specified area;

- (h) "Member of a household" shall mean a person residing, boarding or lodging in a house; "Member of a household."
- (i) "Minister" shall mean the Minister of Health for Ontario; "Minister."
- (j) "Municipality" shall not include a county; "Municipality."
- (k) "Occupier" shall mean the person in occupation or having the charge, management or control of any premises, whether on his own account or as the agent of any person; "Occupier."
- (l) "Owner" shall mean the person for the time being receiving the rent of the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the same if such lands and premises were let; "Owner."
- (m) "Premises" shall mean and include any land or any building, public or private, sailing, steam or other vessel, any vehicle, steam, electric or street railway car for the conveyance of passengers or freight, any tent, van, or other structure of any kind, any mine, and any stream, lake, drain, ditch or place, open, covered or enclosed, public or private, natural or artificial, and whether maintained under statutory authority or not; "Premises."
- (n) "Regulations" shall mean regulations made under the authority of this Act; "Regulations."
- (o) "Street" shall include any highway, and any public bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not. 1927, c. 73, s. 2. "Street."

2.—(1) The Lieutenant-Governor in Council may appoint a duly qualified medical practitioner, of at least five years standing, to be Chief Inspector of Health. Chief Inspector of Health.

(2) The Chief Inspector of Health may exercise, anywhere in Ontario any of the powers conferred by this Act on medical officers of health, and he shall act, under the direction of the Minister, and shall perform such duties as may be assigned to him by the Minister or by the Deputy Minister. 1927, c. 73, s. 3. Duties and powers.

3. Except as otherwise expressly provided in this Act or the regulations, wherever in any regulations made under the authority of any former Act for which this Act is substituted or in any other Act reference is made to the "Chief Officer of Health," the word "Minister" shall be deemed to be substituted therefor, and where reference is made to the "Provincial Board of Health," the words "Department of Health" shall be deemed to be substituted therefor. 1927, c. 73, s. 4. "Minister" substituted for "chief officer" and "Department" for "Provincial Board."

Duties and powers of Department.

Investigations as to disease and mortality.

Advising as to sanitary matters.

Oversight of vaccine and serum.

Enquiring into alleged nuisances.

Inspection of sanitary conditions in gaols, etc.

Distribution of literature.

Entry on premises and orders as to alterations therein.

4. It shall be the duty of the Department, and it shall have power to,—

- (a) make investigations and enquiries respecting the causes of disease and mortality in Ontario or in any part thereof;
- (b) advise the officers of the Government in regard to public health generally, and as to drainage, water supply, disposal of garbage and excreta, heating, ventilation and plumbing of premises;
- (c) exercise a careful oversight of vaccine matter and serum produced or offered for sale in Ontario, or manufacture the same if deemed advisable, and as far as possible prevent the sale of the same when found to be impure or inert, and see that a supply of proper vaccine matter is obtainable at all times at such vaccine farms and other places as are subject to inspection by the Department;
- (d) determine whether the existing condition of any premises or of any street, or public place, or the method of manufacture or business process, or the disposal of sewage, trade or other waste, garbage or excrementitious matter is a nuisance or injurious to health;
- (e) inspect all county gaols, prisons, houses of refuge, asylums, hospitals, sanatoria, orphanages, homes or places of refuge, charitable institutions and other public or private institutions for the safe keeping, custody or care of any person confined therein by process of law, or received or cared for therein at his own charges or by public or private charity, and see that such institutions are kept in a proper sanitary condition and that this Act and the regulations are complied with;
- (f) make public distribution of sanitary literature, especially during the prevalence in any part of Ontario of any communicable disease, and pay particular attention to all matters relating to the prevention and spread of communicable diseases in such manner as the Department may deem best to control any outbreak;
- (g) enter into and go upon any premises in the exercise of any power or the performance of any duty under this Act, and make such orders and give such directions with regard to the structural alteration of the premises or with respect to any other matter as the Department may deem advisable in the interests of the public health. 1927, c. 73, s. 5.

5.—(1) The Minister may direct an officer of the Department to investigate the causes of any communicable disease or mortality in any part of Ontario, and the person so directed may take evidence on oath or otherwise, as he may deem expedient, and shall, for the purposes of such investigation, possess all the powers which may be conferred upon a commissioner appointed under *The Public Inquiries Act*.

Investigation as to disease and mortality.

Rev. Stat. c. 20.

(2) Where it appears to the Department that any unsanitary condition or nuisance exists in a municipality, and that the local board has, on a proper representation of the facts, neglected or refused to take such measures as may remove such condition or abate such nuisance, the Minister may direct an investigation as provided by subsection 1.

Investigation as to unsanitary conditions and nuisances.

(3) If upon such investigation it is found that a remediable unsanitary condition or nuisance exists, the Department may direct its immediate removal or abatement by the person responsible therefor, and if such person neglects or refuses after three days' notice by the Department to remove or abate the same, may cause such removal or abatement to be made, and the treasurer of the municipality shall forthwith pay out of any money of the municipality any expenses incurred under such orders. 1927, c. 73, s. 6.

Removal or abatement.

6. The Minister, with the approval of the Lieutenant-Governor in Council, may make such regulations as may be deemed necessary for,

Regulations.

(a) the prevention or mitigation of disease;

Prevention and mitigation of disease.

(b) the frequent and effectual cleansing of streets, yards and premises;

Cleansing streets and premises.

(c) the removal of nuisances and unsanitary conditions;

Removal of nuisances, etc.

(d) the cleansing, purifying, ventilating and disinfecting of premises by the owners and occupiers or other persons having the care or ordering thereof;

Cleansing and disinfecting premises.

(e) the construction, repair, renewal, alteration and inspection of plumbing, the material to be used in the construction of, and the location of drains, pipes, traps, and other works and appliances forming part of or connected with the plumbing in any building or upon any property or in any highway, street, lane or public place, and in any structure or place, whether permanent or temporary, constructed or used thereon or therein;

Regulations as to plumbing.

(f) the location, construction, repair, renewal, alteration, and inspection of sewers, drain-pipes, manholes, gully traps, flush tanks, and other works, in or upon public, municipal or private property, forming part of or connected with any municipal sewerage system;

Sewerage system.

Passenger
traffic.

- (g) regulating, so far as this Legislature has jurisdiction in that behalf, the entry and departure of boats or vessels at the different ports or places in Ontario, and the landing of passengers or cargoes from such boats or vessels or from railway carriages or cars, and the receiving of passengers or cargoes on board the same, for the purpose of preventing the spread of any communicable disease;

Burials.

- (h) the safe and speedy interment or disinterment of the dead, the transportation of corpses and the conduct of funerals;

Checking com-
municable
diseases.

- (i) the supplying of such medical aid, medicine and other articles and accommodations as the Department may deem necessary for preventing or mitigating an outbreak of any communicable disease;

Inspection for
the purpose
of disinfection.

- (j) the inspection of premises by the local board or medical officer of health, or some officer of the Department, and the cleansing, purifying and disinfecting anything contained therein when required by the local board or officer, at the expense of the owner or occupier, and for detaining for this purpose any steamboat, vessel, railway carriage or car, or public conveyance and anything contained therein and any person travelling thereby as may be necessary;

Ordering
alteration or
destruction.

- (k) entering and inspecting any premises used for human habitation in any locality in which conditions exist which, in the opinion of the Department, are unsanitary, or such as to render the inhabitants specially liable to disease, and for directing the alteration or destruction of any such building which is, in the opinion of the Department, unfit for human habitation;

Preventing
overcrowding.

- (l) preventing the overcrowding of premises used for human habitation by limiting the number of dwellers in such premises and the amount of air space to be allowed for each dweller therein;

Preventing
travel by
persons ex-
posed to
infection.

- (m) preventing the departure of persons from infected localities and for preventing persons or conveyances from passing from one locality to another, and for detaining persons or conveyances who or which have been exposed to infection for inspection or disinfection until the danger of infection is past;

Sanitary
inspectors.

- (n) regulating the appointment of sanitary inspectors to be paid by the municipality in which they act for the purpose of enforcing this Act or the regulations, or any by-law in force in the municipality;

- (o) the removal or keeping under surveillance of persons living in infected localities; Surveillance.
- (p) authorizing the taking possession by a municipal corporation, local board of health, or medical officer of health, for any of the purposes of this Act, of any land or unoccupied building; Taking possession of premises.
- (q) the sanitary precautions to be taken in health resorts, summer resorts and upon boats or other vessels plying upon lakes, rivers, streams and other inland waters, and for preventing the pollution of such waters by the depositing therein of sewage, excreta, vegetable, animal or other matter or filth; Health and summer resorts and inland waters.
- (r) any other matter which, in the opinion of the Department the general health of the inhabitants of Ontario or of any locality may require; General.
- (s) the manufacture of non-intoxicating beverages and distilled and mineral water, and the manufacture of syrups, wines and brewed beers. 1927, c. 73, s. 7. Manufacture of beverages.

7. The Department may, from time to time, declare all or any of such regulations to be in force in any specified municipality or locality for such time as the Department may deem expedient. 1927, c. 73, s. 8. Application of regulations.

8.—(1) The regulations shall be subject to the approval of the Lieutenant-Governor in Council, and shall come into force and take effect upon publication of such approval and the regulations approved in the *Ontario Gazette*. Approval and promulgation of regulations.

(2) Every regulation shall be laid before the Assembly forthwith if the Assembly is then in session, or if it is not then in session within fourteen days after the commencement of the next session. 1927, c. 73, s. 9. To be laid before Assembly.

9.—(1) Any order or regulation made by the Department shall, while it is in force in any locality, supersede any municipal by-law or other regulation, including the by-law set out in Schedule B, dealing with the same subject matter, and so far as any such by-law or other regulation is inconsistent with the order or regulation of the Department, such by-law or other regulation shall be deemed to be suspended. By-laws, etc., superseded by regulations.

(2) Every order or regulation made by the Department shall be published in the next report issued by the Department. 1927, c. 73, s. 10. Publication of regulations.

10. The Deputy Minister of Health, the district officers of health, the Provincial Sanitary Inspectors in unorganized areas and any other officer of the Department specially au- Powers of officers of the Department.

thorized for the purpose shall possess all the powers conferred upon a medical officer of health and the officers of a local board by this Act or by the regulations. 1927, c. 73, s. 11.

Health districts and district officers.

11.—(1) The Lieutenant-Governor in Council may divide the Province for the purposes of this section into not more than ten health districts, and may appoint a legally qualified medical practitioner to be known as the district officer of health for each such district.

Salaries, etc., of district officers of health.

(2) Every district officer of health shall be paid such salary as may be fixed by the Lieutenant-Governor in Council, and his actual and necessary travelling and other expenses incurred in the discharge of his duties, and such salary and expenses shall be payable out of such sums as may be appropriated by the Legislature for that purpose.

District officers of health, duties of.

(3) Every district officer of health shall within his district be the official representative of the Department of Health, and subject to the approval of the Minister or the Deputy Minister he shall have general control of statutory organization for public health. He shall further, for the promotion of public health and for the protection of the inhabitants from communicable disease have authority, subject to the approval of the Minister to enforce the provisions of this Act and the regulations and he shall be responsible through the local medical officer of health for the enforcement of this Act and the regulations. He shall also have for the further effective carrying out of this Act and regulations all the powers and rights and authority to perform all the functions and duties of the local medical officer of health or the sanitary inspector under this Act.

May act in other districts.

(4) Whenever required so to do by the Department, a district officer of health shall have the same authority and shall perform the same duties in any part of Ontario as he might do in the district for which he is appointed.

To act under Department.

(5) Every district officer of health shall act under the supervision and control of the Department, and shall report to it at least monthly, and at such other times as may be required, and shall in such report give such information as may be required by the Department or by the regulations.

Enforcement of sanitary by-laws.

(6) The Department, every district officer of health and inspector, and every medical officer of health and sanitary inspector shall have authority to enforce the by-law set out in Schedule B, or any amendment thereof approved by the Department, and any by-law respecting the milk supply of, and any other by-law respecting sanitary matters in a municipality, and for this purpose may institute proceedings for the prosecution of offenders against any of the said by-laws.

(7) A district officer of health shall have the authority to summon a special meeting of a local board of health for public health purposes. 1927, c. 73, s. 12.

LOCAL BOARDS OF HEALTH.

12.—(1) There shall be a local board of health for every municipality in Ontario. Local boards.

(2) In a city, and in every town having a population of 4,000 or over, according to the enumeration of the assessors for the last preceding year, the local board shall consist of the mayor, the medical officer of health, and three resident ratepayers to be appointed annually by the council at its first meeting in every year. In cities and in towns of 4,000 or over.

(3) In a town having a population of less than 4,000, according to such enumeration, and in every other municipality, the local board shall consist of the head of the municipality, the medical officer of health, and one resident ratepayer to be appointed as provided by subsection 2. In towns of less than 4,000, villages and townships.

(4) There shall be a secretary of the local board, and, unless otherwise provided by the council, the clerk shall be the secretary. 1927, c. 73, s. 13. Secretary.

13. Every local board shall be a corporation by the name of "The Local Board of Health of the City (or as the case may be) of _____" (inserting the name of the municipality). 1927, c. 73, s. 14. Corporate name.

14.—(1) A local board shall hold at least four meetings in each year at a time and place to be fixed by resolution of the board, and such other meetings as may be prescribed by the regulations, or be required by the board. Meetings.

(2) At the first meeting of a local board in every year, which shall be held not later than the 1st day of February, the board shall elect one of its members to be chairman. 1927, c. 73, s. 15. Chairman.

15. Any member of a local board may call a special meeting thereof at any time by giving notice in writing to the secretary and to the remaining members of the board. 1927, c. 73, s. 16. Special meetings.

16. The clerk of the municipality shall report to the Department the names and addresses of the members of the local board in each year, on or before the 1st day of February, and he shall so report any change occurring during the year in the membership of the board. 1927, c. 73, s. 17. Secretary to report membership of board to Department.

17. Whenever a vacancy occurs in any local board of a city or town by the death, resignation or removal of an appointed member the council shall, at its first meeting after Vacancies in board.

such vacancy occurs, appoint a resident ratepayer to fill the same, and in default of such appointment the Department may appoint a resident ratepayer of the municipality to fill the vacancy. 1927, c. 73, s. 18.

Quorum.

18. A majority of the members of a local board shall form a quorum. 1927, c. 73, s. 19.

Payment of local boards in townships.

19. The council of a township may by by-law provide for the payment to each member of the local board and to the secretary of a sum not exceeding \$4 for every attendance at meetings of the board and his necessary travelling expenses in going to and returning from such meetings. 1927, c. 73, s. 20.

Payment of accounts certified by board.

20. The treasurer of the municipality shall forthwith upon demand, pay the amount of any account for services performed under the direction of the board and materials and supplies furnished, or for any expenditure incurred by the board or by the medical officer of health or sanitary inspector in carrying out the provisions of this Act or the regulations, after the board has by resolution approved of the account and a copy of the resolution certified by the chairman and secretary has been filed in the office of the treasurer. 1927, c. 73, s. 21.

Recording proceedings.

21.—(1) The proceedings of every local board shall be recorded by the secretary in a book to be kept for that purpose.

Annual report.

(2) The secretary shall annually, on or before the 15th day of December, prepare a report of the work done by the board during the year, and of the sanitary condition of the municipality.

Local reports to be transmitted to Deputy Minister.

(3) The report as adopted by the local board shall include the annual report of the medical officer of health and shall be transmitted to the Deputy Minister of Health. 1927, c. 73, s. 22.

Weekly report to Department.

22. The secretary of every local board shall report weekly to the Department the number of cases of and deaths from communicable diseases, and the number of deaths from all other causes occurring in the municipality during the preceding week, upon a form to be supplied by the Department. 1927, c. 73, s. 23.

Enforcing authority of local board.

23.—(1) Whenever a local board has authority to direct that any matter or thing shall be done by any person, the board may also, in default of its being done by the person, direct that such matter or thing shall be done at the expense of the person in default, and may recover the expense thereof by

action in any court of competent jurisdiction, or the board may direct that the same be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes.

(2) Where a local board in a city or in any town, village, police village or township bordering on or situate within ten miles of a city having a population of not less than 200,000 in which a sewerage system has been established, recommends that sanitary conveniences should be installed in any building, and is of the opinion that the owner of the premises is unable or unwilling to pay the expense of the same at once, the municipality may instal suitable sanitary conveniences and construct private drain connections required to connect such sanitary conveniences with the common sewers of the municipality at the expense of the owner, and the Department may direct that the cost, including interest at a rate not exceeding six per centum on the deferred payments, be paid by the owner in equal successive annual payments extending over a period not exceeding five years, and that such annual payments be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes.

When local board may instal sanitary conveniences.

Payment by owner in equal annual instalments.

(3) A certificate from the clerk of the municipality setting forth the cost of the said conveniences and a description of the lands upon which the same were made shall be registered in the proper registry or land titles office against the said lands on proper proof by affidavit of the signature of the said clerk and upon payment in full of the cost of the said conveniences a like certificate from the city clerk shall be registered and the lands shall thereupon be freed from all liability with reference thereto. 1927, c. 73, s. 24.

Registration of certificate of charges for installing sanitary conveniences.

24.—(1) Where an action is brought against a local board or any member, officer or employee of a local board by any person who has suffered any damage by reason of any act or default on the part of such local board or any member, officer or employee thereof, the corporation of the municipality may assume the liability or the defence of the action, and may pay any damages or costs for which such board or the member, officer or employee is liable in respect of such act or default.

Municipality may assume responsibility for board or employees.

(2) In this section the word "employee" shall not include a contractor with the local board. 1927, c. 73, s. 25.

But not for contractors.

25. It shall be the duty of a local board to superintend and see to the carrying out of the provisions of this Act and of the regulations, or of any by-law of the municipality pertaining to public health and to execute, do and provide all such acts, matters and things as are necessary for that purpose. 1927, c. 73, s. 26.

Duty of local board as to carrying out Act and regulations.

Complaints
as to
nuisances.

26. Where information is given in writing to the local board by any resident householder of the existence of a nuisance or unsanitary condition in the municipality, the local board shall forthwith cause the complaint to be investigated and all necessary steps to be taken as provided by this Act or by the regulations to abate or remedy the same. 1927, c. 73, s. 27.

Cleansing
and disin-
fecting
houses, etc.

27.—(1) Where a medical officer of health is of opinion that the disinfecting of any house or part thereof, or of any articles therein likely to retain infection, would tend to prevent or check any communicable disease, he shall, through the sanitary inspector or otherwise, at the cost and charge of the municipality, disinfect such house or part thereof and the articles therein contained.

Disinfect-
ing, etc.,
of premises.

(2) The disinfecting, renovating and cleansing of houses and premises shall be carried on in accordance with the regulations. 1927, c. 73, s. 28.

Ambulance.

28. A local board may provide, maintain or hire an ambulance or carriage for the conveyance of persons suffering from disease or accident, and may pay the expense of conveying therein any person so suffering to a hospital or other place. 1927, c. 73, s. 29.

Disinfecting
apparatus.

29. A local board may provide all necessary apparatus and attendance for the disinfection or destruction of bedding, clothing or other articles which have become infected, and may cause such articles to be disinfected free of charge or may make a reasonable charge for disinfecting them. 1927, c. 73, s. 30.

Destruction
of infected
bedding, etc.

30. A local board may direct the destruction of any furniture, bedding, clothing or other articles which have been exposed to infection, and may give compensation therefor. 1927, c. 73, s. 31.

Medical
inspection.

Rev. Stat.
c. 322.

31. In any municipality the local board may provide such dental and medical inspection of the pupils of all public and separate schools as the regulations under *The Department of Education Act* may prescribe, and, in the absence of such regulations, as the local board may deem proper, and may execute, do and provide all such acts, matters and things as may be found necessary from such inspection. 1927, c. 73, s. 32.

Appeal to
county judge
from order
of board.

32. Where the order of a local board or medical officer of health involves an expenditure of more than \$1,000, the person against whom the order is made, or any person chargeable with such expenditure or any part thereof, may, within four days after being served with a copy of such order, ap-

peal therefrom to the judge of the county or district court who shall have power to vary or rescind the order, and any order so varied may be enforced by the Department in the same manner as an order originally made by the board or a medical officer of health. 1927, c. 73, s. 33.

33.—(1) Where a local board of health has not been established as required by this Act, or where a local board of health or any officer thereof has in the opinion of the Minister refused or neglected to act with sufficient promptness or efficiency in carrying out the provisions of this Act or any order or regulation of the Department, or to take such efficient measures as might remove any unsanitary condition or abate any nuisance, the Minister may direct an officer of the Department to carry out such measures as are authorized by this Act, or by any order or regulation made thereunder.

Powers of Minister on default of local authorities.

(2) The expenses so incurred shall be certified by the Minister, and shall be a debt due by the corporation of the municipality, and upon presentation of such certificate the treasurer of the municipality shall pay the same.

Liability for payments of expenses.

(3) The corporation of the municipality whose treasurer shall pay the expenses so incurred as provided by subsection 2, may recover the amount so paid by action in any court of competent jurisdiction against the person certified in writing by the Minister to have been in default, or the council of the corporation of the said municipality may direct the amount of such expenses to be added by the clerk of the municipality to the collector's roll and collected from the person so certified to be in default in like manner as municipal taxes. 1927, c. 73, s. 34.

Recovery of expenses of carrying out orders of Department.

MEDICAL OFFICERS OF HEALTH.

34.—(1) The council of every municipality shall appoint a legally qualified medical practitioner to be the medical officer of health for the municipality, and shall also appoint such number of sanitary inspectors for the municipality as may be deemed necessary by the local board, and as may be prescribed by the regulations.

Medical officers of health and sanitary inspectors, appointment.

(2) Where the council refuses or neglects to make any of such appointments, or to fill any vacancy, the Department shall, by registered letter addressed to the clerk of the municipality, require the council to make the appointment or to fill the vacancy forthwith, and if the council continues in default for five days after the receipt of such letter the Lieutenant-Governor in Council, upon the recommendation of the Minister, may make the appointment or fill the vacancy.

By Lieutenant-Governor in Council in case of default.

(3) The council of a city having a population of 100,000 or over may appoint an assistant medical officer of health, or more than one assistant medical officer of health, who shall

Assistant medical officers, appointment.

Medical officers for townships.

act under the direction of the medical officer of health, and while so acting shall have all the powers and perform the same duties as the medical officer of health.

Township may appoint more than one medical officer.

(4) The council of a township, with the approval of the Department may appoint for any stipulated time more than one medical officer of health for the township and may limit the territory within which each of such officers shall act, and every such medical officer of health shall, within the territory for which he is appointed, have and perform the powers and duties of a medical officer of health as set out in this Act or in any by-law passed thereunder and in force in the municipality.

Appointment of nurses and physicians by council or local board.

(5) The council of a city, town, township or village or a local board of health may appoint one or more public health nurses, and one or more duly qualified physicians and engage such other services as may, in the opinion of the council or local board be required for carrying out the provisions of this or any other Act administered by the Department of Public Health or the regulations made thereunder for the prevention or treatment of disease.

Appointment of nurse by one or more municipalities.

(6) The council of a town, township or village, or the local board of health of the same may unite with the council or councils or boards of health of one or more neighbouring municipalities for the purpose of appointing, employing and paying one or more public health nurses for the promotion of the public health and the prevention or treatment of disease; such appointments shall be eligible for grants in respect of the same as may be provided by the regulations. 1927, c. 73, s. 35.

Tenure of office.

35. Every sanitary inspector appointed by the council shall hold office during the pleasure of the council, and if appointed by the Lieutenant-Governor in Council shall hold office until the 1st day of February in the year following that of his appointment. 1927, c. 73, s. 36.

Dismissal.

36.—(1) Every medical officer of health appointed by the council shall hold office during good behaviour and his residence in the municipality, or in an adjoining municipality, and, if appointed by the Lieutenant-Governor in Council, shall hold office until the 1st day of February in the year following that of his appointment, and no medical officer of health shall be removed from office except on a two-thirds vote of the whole council and with the consent and approval of the Minister before whom cause shall be shown for the dismissal.

Dismissal of M. O. H. for neglect of duty.

(2) A medical officer of health who refuses or neglects to carry out the provisions of this Act or the regulations, or any special order of the Department, or any by-law of the

municipality relating to sanitary matters, may be dismissed from office by the Department or by the municipal corporation on the recommendation of the Department.

(3) It shall be the duty of the medical officer of health to make a sanitary inspection of all schools in his municipality annually and to make a report to the Department regarding the same, using forms supplied by the Department for that purpose. 1927, c. 73, s. 37. Annual inspection of schools by M.O.H.

37. The medical officer of health shall be the executive officer of the local board, and with the local board shall be responsible for the carrying out of the provisions of this Act, and of the regulations, and of the public health or sanitary by-laws of the municipality. 1927, c. 73, s. 38. M.O.H. to be executive officer of board.

38. Every medical officer of health, whether appointed by the council or by the Lieutenant-Governor in Council, shall be paid by the municipal corporation a reasonable salary to be fixed by by-law, and such salary shall be his total remuneration for his services as medical officer of health. 1927, c. 73, s. 39. Salaries of medical officers of health.

39. Sanitary inspectors shall be paid such annual sum as may be determined by the council of the municipality. 1927, c. 73, s. 40. Payment of sanitary inspectors.

40.—(1) Where a vacancy occurs in the office of medical officer of health, the council shall forthwith nominate another medical officer of health in his stead who shall be approved by the Minister as hereinbefore provided. Vacancy in office of M.O.H.

(2) When the medical officer of health is absent from the Province for a protracted period the council may, with the written approval of the Department, appoint a legally qualified medical practitioner to be acting medical officer of health during such absence, and such acting medical officer of health shall have, during the absence of the medical officer of health, all the powers, and perform all the duties of the medical officer of health. 1927, c. 73, s. 41. Temporary absence of M.O.H.

41.—(1) There shall be an annual conference of all the medical officers of health, and it shall be the duty of every medical officer of health to attend the same. Annual conference.

(2) The expenses of the attendance of each medical officer of health shall be borne by the corporation of the municipality, and shall be payable in addition to his salary on the certificate of the Deputy Minister. Expenses of attendance.

(3) The conference shall be held at such time and place as may be determined by the Department. 1927, c. 73, s. 42. Time and place of holding.

ISOLATION HOSPITALS.

Establishment. **42.**—(1) The corporation of a municipality may establish, erect and maintain one or more isolation hospitals for the reception and care of persons suffering from any communicable disease.

Municipalities may join in establishing. (2) The corporations of two or more adjacent municipalities may join in establishing, erecting and maintaining such a hospital.

Issue of debentures. (3) A corporation may borrow money by the issue of debentures for the purposes mentioned in subsections 1 or 2, and it shall not be necessary to obtain the assent of the electors to any by-law for raising money for such purpose.

When payable. (4) Debentures issued under this section shall be payable within twenty years from the date of the issue thereof.

Where to be established. (5) Any such hospital may be established in a municipality or in one of the municipalities providing for the same or in an adjoining municipality.

Subject to sections 43 to 47. (6) The powers conferred by this section shall be subject to the provisions of sections 43 to 47, but an isolation hospital shall not be established, maintained or kept by a municipal corporation upon lands in another municipality which were selected, purchased or contracted for, or upon which the corporation had secured an option before the 1st day of January, 1912, and upon which an isolation hospital had not before that date been erected, without the consent of the council of the municipality in which such lands are situate, and unless such consent had been obtained before the 16th day of May, 1912, such land shall not be used for that purpose. 1927, c. 73, s. 43.

Permission for establishment of isolation hospitals and consumption hospitals. **43.** No such isolation hospital and, except as provided by *The Sanatoria for Consumptives Act*, no sanatorium, institution or place for the reception, care, or treatment of persons suffering from consumption or tuberculosis shall be established or maintained or kept within the limits of any municipality without permission to be given in the manner hereinafter provided. 1927, c. 73, s. 44.

Rev. Stat. c. 357.

Application to local board.

44.—(1) Every municipal corporation and every person desiring to establish, maintain or keep any such isolation hospital, sanatorium, institution or place in a municipality, shall make application in writing to the local board of health of such municipality for permission to do so.

Notice of meeting.

(2) The local board shall give notice of the application and of the meeting at which the same will be considered by advertisement once a week for two successive weeks in a newspaper published in the municipality or, if there is no such newspaper, in a newspaper published in an adjoining municipality.

(3) The local board shall take such application into consideration at its next general meeting after the last publication of such notice, or at a special meeting to be called for the purpose within one month after that date.

Consideration
of applica-
tion.
Notice.

(4) The local board shall hear the applicant for such permission in person or by counsel, and shall hear any person opposed to the granting of such permission, and shall within one month thereafter determine by resolution of the board whether or not such application shall be granted.

Hearing and
decision.

(5) If the local board determines not to grant such permission notice in writing of their decision shall forthwith be given to the applicant by registered letter, and the applicant may appeal from such decision to a board of appeal to be composed of the head of the municipality, the sheriff of the county or district in which the municipality is situate, and the Deputy Minister.

Refusal of
permission.

Appeal.

(6) The appeal shall be by notice in writing addressed to the Deputy Minister, and sent by registered post to him within seven days after the receipt of notice of the decision of the local board.

Notice of
appeal.

(7) The Deputy Minister shall appoint a time and place for the consideration of the appeal, and at least seven days' notice of the time and place of hearing the appeal shall be given by registered letter addressed to the secretary of the local board and to the applicant, and by advertisement in a newspaper published in the municipality in which it is sought to establish such hospital, sanatorium, institution or place of reception, or, if there is no such newspaper, in a newspaper published in the county or district town of the county or district in which such municipality is situate.

Notice of
hearing of
appeal.

(8) The board of appeal shall hold a sitting at such time and place and shall hear what may be alleged for and against such appeal on behalf of the applicant and the local board of health or any ratepayer of the municipality who may object to the granting of such permission.

Hearing of
appeal.

(9) The board of appeal may adjourn the proceedings for the purpose of visiting any building or proposed site and determining upon its suitability or procuring such further information as the board may deem necessary.

View of
locality.

(10) The decision of the board of appeal or a majority of the members thereof shall be given in writing and shall be final.

Decision of
board of
appeal.

(11) Each of the members of the board of appeal shall be entitled to a fee of \$10 per day for each day during which he is necessarily engaged in connection with the appeal and reasonable and necessary expenses, and the same and any

Fees of board
of appeal.

other costs and expenses incurred in hearing the appeal shall be payable by the appellant upon the written order of the Minister to the persons entitled thereto.

Non-application of sections.

(12) Nothing in this section or in section 43 contained shall apply to any public general hospital in which persons suffering from other diseases as well as persons suffering from consumption or tuberculosis are received and treated. 1927, c. 73, s. 45.

Penalty.

45. Every person who erects, establishes or maintains any such isolation hospital, sanatorium, institution or place, or who takes part in the superintendence or management thereof, until permission has been given as provided by the next preceding section, shall incur a penalty not exceeding \$25 for every day on which such offence is continued. 1927, c. 73, s. 46.

Plans to be approved by Department.

46.—(1) No isolation hospital shall be established by the corporation of any municipality until the plans and the proposed equipment thereof shall have been submitted to and approved by the Department.

Alterations, etc., directions of Department as to.

(2) Every municipal corporation establishing such an isolation hospital shall from time to time make such alterations therein and such changes or improvement in the equipment thereof as may be directed by the Department. 1927, c. 73, s. 47.

Control of the local board.

47. Subject to the regulations the local board of the municipality, by the corporation of which an isolation hospital is established, shall have the management and control of it, and of the conduct of the physicians, nurses, attendants and patients. 1927, c. 73, s. 48.

EMERGENCY HOSPITALS.

Temporary emergency hospitals in case of outbreak of disease.

48. Where any communicable disease, to which this section is by the regulations made applicable, becomes prevalent in a municipality, and the municipal corporation has not already provided proper hospital accommodation for such cases, the medical officer of health of a local board shall immediately provide, at the cost of such corporation, such a temporary hospital, hospital tent, or other place or places of reception for the sick and infected as may be deemed best for their accommodation and the safety of the inhabitants, and for that purpose may,—

- (a) erect such hospital, hospital tent, or place of reception;
- (b) contract for the use of any existing hospital, hospital tent, or place of reception; or,

- (c) enter into an agreement with any person having the management of any such hospital, subject to the approval of the medical officer of health of the local municipality in which such hospital is situate, for the reception and care of persons suffering from such communicable disease, and for the payment of such remuneration therefor as may be agreed upon. 1927, c. 73, s. 49.

ACQUIRING LAND.

49.—(1) Where an outbreak of any of the diseases, to which the next preceding section applies, occurs or is apprehended, the local board of health may enter upon and take and use for the purposes mentioned in that section any land or unoccupied building without prior agreement with the owner of the same and without his consent, and may retain the same for such period as may appear to the board to be necessary. Occupying land in case of emergency.

(2) Written notice, Schedule A, shall within five days after the taking or obtaining possession, be given by the board to the clerk of the municipality wherein the land or unoccupied building is situate; such notice shall be given whether possession is taken or obtained with the consent of the owner or otherwise. Notice to clerk of local municipality.

(3) Where possession is taken without the consent of the owner, the board shall, within five days after taking possession, give the like notice to the owner. Notice to owner where not a consenting party.

(4) If the owner is not known, or is not a resident in Ontario, or if his residence is unknown to the board, the board shall cause the notice to be published in two successive issues of some local newspaper having a circulation within the municipality where the property is situate, and shall send by registered post to the last known address, if any, of the owner a copy of the notice, and such publication shall be sufficient notice to the owner. Where owner or his address is unknown.

(5) The owner shall be entitled to compensation from the corporation of the municipality wherein the land or building is situate, for the use and occupation thereof, including any damages arising from such use and occupation, such compensation to be agreed upon between the council of the municipality and the owner; and in case they do not agree, the judge of the county or district court of the county or district in which the property is situate shall summarily determine the amount of the compensation, and the terms of payment, in such manner and after giving such notice as he sees fit. 1927, c. 73, s. 50. Compensation.

Order for
possession.

50. Where any resistance or forcible opposition is offered or apprehended to possession being taken of the land or building, the judge of the county or district court may, without notice to any person, issue his warrant to the sheriff of the county or district, or to any other person, as he may deem most suitable, requiring him to put and maintain the board, its agents or servants in possession, and to put down such resistance or opposition, which the sheriff or other person, taking with him sufficient assistance, shall accordingly do. 1927, c. 73, s. 51.

MEDICAL CARE OF INDIGENTS.

Municipal
corporation
to provide
for medical
attendance
for indigent
persons.

51.—(1) The corporation of every municipality shall enter into an agreement with the medical officer of health or some other legally qualified medical practitioner resident in the municipality or in a municipality adjacent thereto for his medical attendance upon and care of persons suffering from the result of injury or disease who, in the opinion of the head of the municipality or of its relief officer, if any, are unable through poverty to pay for the necessary attendance, and who are not cared for in a public or private hospital.

M.O.H. need
not act
unless re-
munerated.

(2) This section shall not impose any duty on the medical officer of health in respect to such cases, unless an agreement has been entered into with him, as provided in subsection 1.

In absence of
agreement
M.O.H. to
be deemed
indigent
M.O.H.

(3) Failing the making of any other agreement the medical officer of health shall be deemed to be indigent medical officer of health for the municipality and shall be remunerated for his service as indigent medical officer, according to the provisions of the next succeeding subsection.

Agreement
to provide
for remunera-
tion.

(4) Every such agreement shall provide for fair and reasonable remuneration for the service rendered. 1927, c. 73, s. 52.

Disputes as
to remun-
eration of
M.O.H.,—
application
to county
judge.

52.—(1) Where a medical officer of health claims that the salary paid to him by a municipal corporation or the remuneration provided for under section 51 is not fair and reasonable, and gives notice of such claim in writing, signed by him, to the clerk of the municipal corporation, and the council of the corporation neglects to comply with such demand, or directs the serving upon the medical officer of health of a notice disputing such a claim, the medical officer of health, after the expiration of ten days from the receipt of such claim by the clerk of such corporation, may apply in a summary manner to the judge of the county or district court of the county or district within which the municipality lies, for an order allowing his claim and fixing the amount payable to him as salary under section 38 or as remuneration under section 51, and upon such application the judge shall hear the parties and their witnesses and shall make such order as he

may deem just, and in and by such order shall settle and determine the salary properly payable to such medical officer of health, and a fair and reasonable remuneration under section 51.

(2) If such application is not made by the medical officer of health within thirty days after receiving notice from the corporation disputing his claim, he shall be deemed to have abandoned the same. Time for making application.

(3) The judge, upon the application, shall take into consideration all the circumstances of the case, and amongst other matters the physical extent, population and assessment of the municipality. Powers of judge.

(4) *The Judges' Orders Enforcement Act* shall apply to every application or order made under this section. 1927, c. 73, s. 53. Application of Rev. Stat. c. 111.

PROVISIONS AS TO COMMUNICABLE DISEASE.

53.—(1) Whenever any householder knows or has reason to suspect that any person within his family or household, or boarding or lodging with him, has any communicable disease, he shall, within twelve hours, give notice thereof to the secretary of the local board or to the medical officer of health. Communicable diseases. Notice by householder.

(2) The notice may be given to the secretary or to the medical officer of health at his office, or by letter addressed to either of them and mailed within the time above specified, and the secretary of the local board shall forthwith transmit to the medical officer of health notice of each case of communicable disease reported to him. How given.

(3) Every such notice filed with the medical officer of health shall be transmitted forthwith by him to the secretary of the local board of health, and shall be included in the weekly report required to be sent to the Department under section 22. 1927, c. 73, s. 54. Notice of communicable disease to be included in weekly report.

54.—(1) No householder, in whose dwelling there occurs any communicable disease, shall permit any person suffering from or exposed to such disease to leave, or any clothing or other property to be removed from his house without the consent of the medical officer of health, who may forbid such removal or prescribe the conditions thereof. Removal of person or clothing prohibited.

(2) Every person in a house when a communicable disease exists therein, and every person who during the period of quarantine enters such house, shall be deemed to be exposed to the disease. Who to be deemed exposed to disease.

(3) It shall be the duty of every physician, medical officer of health, superintendent of a hospital, nurse, midwife, and everyone in charge of a maternity hospital, every householder, Duty as to treatment of newborn for eye diseases.

and everyone in charge of a child, to see that such requirements as may be prescribed by this Act or by the regulations are duly complied with in respect of ophthalmia neonatorum, trachoma, inflammation of the eyes of the newborn, or other communicable diseases of the eyes. 1927, c. 73, s. 55.

Report by
physician.

55.—(1) Whenever any legally qualified medical practitioner knows, or has reason to suspect, that any person whom he is called upon to visit is infected with any communicable disease, he shall within twelve hours give notice thereof to the medical officer of health of the municipality in which such diseased person is.

Superintendents of
hospitals,
etc.

(2) This section shall apply to the medical superintendent or person in charge of any general or other hospital in which there is known to him to be a patient suffering from any communicable disease. 1927, c. 73, s. 56.

Precautions
against
spread of
infection.

56.—(1) Where any communicable disease is found or suspected to exist in any municipality, the medical officer of health and local board shall use all possible care to prevent the spread of infection or contagion by such means as in their judgment is most effective for the public safety.

Closing
schools,
churches,
etc.

(2) The medical officer of health or local board, when it is considered necessary to prevent the spread of any communicable disease, may direct that any school or seminary of learning, or any church or public hall or other place used for public gatherings or entertainment in the municipality shall be closed, and may prohibit all public assemblies in the municipality; and no such school, seminary, church, hall or public place shall be kept open after such direction for the admission of the public, nor re-opened without the permission of the medical officer of health. 1927, c. 73, s. 57.

Isolation of
patient.

57. The medical officer of health, or the local board, or a committee thereof, shall isolate any person having any communicable disease, to which this section is by the regulations made applicable, and shall forthwith cause to be posted up on or near the door of the house or dwelling, in which any such person is, a notice stating that such disease is within the house or dwelling. 1927, c. 73, s. 58.

Of infected
persons.

58.—(1) If any person coming from abroad, or residing in any municipality within Ontario, is infected, or has recently been infected with, or exposed to, any communicable disease to which this section is by the regulations made applicable, the medical officer of health or local board shall make effective provision for the public safety by removing such person to a separate house, or by otherwise isolating him, and by providing medical attendance, medicine, nurses and other assistance and necessaries for him.

(2) The corporation of the municipality shall be entitled to recover from such person the amount expended in providing such medical attendance, medicine, nurses and other assistance and necessities for him, but not the expenditure incurred in providing a separate house or in otherwise isolating him. 1927, c. 73, s. 59.

Recovery of expenses.

NOTE.—*See Section 27 as to disinfecting houses and articles therein.*

59. Where, owing to the refusal or neglect of the medical officer of health, the local board or the corporation of any municipality, any communicable disease is brought into another municipality, the corporation of which incurs expense in preventing the spread of such communicable disease, the corporation of the municipality in default shall pay to the corporation of the municipality incurring such expense the whole amount thereof, and the same shall be recoverable as a debt in any court of competent jurisdiction. 1927, c. 73, s. 60.

Recovery of expense incurred through neglect or refusal to carry out Act.

60. No person suffering from any communicable disease, to which this section is by the regulations made applicable, shall be removed at any time except by permission and under direction of the medical officer of health, nor shall any occupant of any house in which there exists any such communicable disease change his residence to any other place without the consent of the medical officer of health, or without complying with such conditions as he may prescribe. 1927, c. 73, s. 61.

Removal of patients.

61. The medical officer of health, or a legally qualified medical practitioner appointed by him in writing for that purpose, may enter in and upon any house, out-house or premises, in the day time, for the purpose of making enquiry and examination with respect to the state of health of any person therein, and cause any person found therein, who is infected with any communicable disease, to be removed to a hospital or some other proper place. 1927, c. 73, s. 62.

Power to enter premises.

62.—(1) Where there is any reason to suspect that any person suffering from a communicable disease to which this section is by the regulations made applicable, is in or upon any railway car, street railway car, steamboat, vessel, stage, or other conveyance, the medical officer of health or sanitary inspector of the municipality, or any member of the local board, may enter such conveyance and cause such person to be removed therefrom, and may detain the conveyance until it is properly disinfected; or such officer or member may, if he thinks fit, remain on, or in, or re-enter and remain on or in such conveyance, with any assistance he may require, for the purpose of disinfecting it; and his authority shall continue in respect of such person and conveyance notwithstanding that the conveyance is taken into another municipality.

Entering and disinfecting public conveyances.

Payment by
owner of
conveyance.

(2) The expense incurred for medical attendance, care, nursing, maintenance and all costs for disinfection shall be paid by the owner of the conveyance in which such person is found.

Authority
given by
Depart-
ment.

(3) Any legally qualified medical practitioner or sanitary inspector authorized by the Department shall have the same authority as a medical officer of health under this section. 1927, c. 73, s. 63.

Removal of
persons from
unsanitary
dwellings.

63. Where any communicable disease is reported or discovered in a dwelling house or out-house occupied as a dwelling, and such house or out-house is in a filthy and neglected state, the medical officer of health may, at the expense of the corporation of the municipality, compel the inhabitants of such dwelling house or out-house to remove therefrom, and may place them in sheds or tents, or other proper shelter, in some more suitable situation, until measures can be taken, under the direction and at the expense of the municipal corporation, for the immediate cleansing, ventilation, purification and disinfection of such dwelling-house or out-house. 1927, c. 73, s. 64.

Patients and
nurses.
Precautions
as to
disinfection.

64. No person recovering from any communicable disease, to which this section is by the regulations made applicable, and no nurse who has been in attendance on any such person, shall leave the premises or expose himself in any public place, street, shop, inn or public conveyance until he has received from the medical officer of health a certificate that in his opinion such person or nurse has taken such precautions as to his person, clothing and all other things which he proposes to bring from the premises as are necessary to insure the immunity from infection of other persons with whom such person or nurse may come in contact. 1927, c. 73, s. 65.

Measures
prescribed by
Depart-
ment.

65. Every such person and nurse shall adopt for the disinfection and disposal of excreta, and for the disinfection of utensils, bedding, clothing and other things which have been exposed to infection, such measures as may be prescribed by the regulations or by the medical officer of health. 1927, c. 73, s. 66.

Sanitary
precautions
before
mingling
with public.

66. No person suffering from or having recently recovered from any communicable disease, to which this section is by the regulations made applicable, shall mingle with the general public, and no person having access to any such person, except the attending physician and clergyman, shall do so, until such sanitary precautions as may be prescribed by the medical officer of health have been complied with. 1927, c. 73, s. 67.

67.—(1) No person suffering from, or having recently recovered from any communicable disease, to which this section is by the regulations made applicable, shall expose himself, nor shall any person expose any one under his charge, who is so suffering from any such disease, in any railway car, street railway car, steamboat, vessel, stage or other conveyance, without having previously notified the owner or person in charge of such conveyance of the fact of his having such disease.

Notice to be given before using public conveyance.

(2) The owner or person in charge of any such conveyance shall not, after the entry of any infected person into his conveyance, allow any other person to enter it, without having sufficiently disinfected it under the direction of the medical officer of health or sanitary inspector. 1927, c. 73, s. 68.

Conveyance to be disinfected.

68. No person shall give, lend, transmit, sell or expose any bedding, clothing, or other article likely to convey any communicable disease, without having first taken such precautions as the medical officer of health may direct for removing all danger of communicating such disease to others. 1927, c. 73, s. 69.

Bedding, clothing, etc.

69. No person shall let or hire, or permit to be occupied, any house or room in a house in which any communicable disease has recently existed without having caused the house and premises used in connection therewith to be disinfected to the satisfaction of the medical officer of health, and, for the purpose of this section, the keeper of an inn or house for the reception of lodgers shall be deemed to let for hire part of a house to any person admitted as a guest into such inn or house. 1927, c. 73, s. 70.

Disinfection of houses, etc.

70. No person letting for hire, or showing for the purpose of letting for hire any house or part of a house, on being questioned by any person, negotiating for the hire of such house, or part of a house, as to the fact of there previously having been therein any person, animal or thing suffering from or liable to be infected by any communicable disease, shall knowingly make a false answer to such question. 1927, c. 73, s. 71.

False statements of persons renting or showing houses.

71.—(1) No common carrier shall knowingly accept for transportation or carry within Ontario, except under and subject to the regulations, any person suffering from any communicable disease, to which this section is by the regulations made applicable, or any infected article or articles of clothing, bedding or other property whatsoever.

Transportation of infected persons.

(2) No carrier shall knowingly accept for transportation or carry within Ontario the body of any person who has died of any communicable disease, except under and subject to the regulations.

Corpses.

Penalty.

(3) Every person contravening the provisions of subsection 1 or of subsection 2 shall incur a penalty of \$100. 1927, c. 73, s. 72.

School attendance from houses in which communicable disease exists.

72.—(1) Whenever a communicable disease exists in any house or household in which there is a person who is a student or pupil in, or a teacher, or other person employed in any capacity in or about a university, college, school or other institution of learning, the householder shall, within twelve hours after the time such disease is known to exist, notify the principal, superintendent, head teacher or other person in charge of such institution, and also the medical officer of health, of the existence of such disease; and the person suffering therefrom shall not attend or be employed at such institution until a certificate has been obtained from the medical officer of health that he may safely do so.

Duty of local board and teacher.

(2) Whenever a local board of health, or any of its officers or members, are aware of the existence in any house of any communicable disease, they shall at once notify the principal, superintendent, head teacher or other person in charge of any university, college, school or other institution of learning at which any member of the household is in attendance, either as a student or pupil, or in or about which he is employed as a teacher, or in any other capacity, and none of such last mentioned persons shall after such notice be permitted to attend, or be employed or be in or about such institution, until the certificate mentioned in subsection 1 is obtained and presented.

Teacher to give notice of cases in homes of pupils.

(3) Whenever a professor, lecturer, instructor or teacher in any such institution of learning has reason to suspect that any other professor, lecturer, instructor or teacher in, or any student or pupil of, or any person employed in or about, such institution, is suffering from a communicable disease, or that there exists in any household of which he is a member any communicable disease, such first mentioned person shall notify the medical officer of health thereof, and shall not permit the attendance of the person suffering from such disease if under his direction or control until the medical officer of health certifies that such attendance may be safely allowed.

Pupil not to attend within minimum time fixed by regulations.

(4) No student or pupil having suffered from a communicable disease shall be allowed to attend any such institution of learning within the minimum period prescribed by the regulations.

Boarding schools.

(5) Whenever a communicable disease exists in any boarding school or other institution in which pupils are received for tuition, and boarded or lodged, the head of the institution, or the person in charge thereof, shall immediately isolate the person suffering from such disease and any person in attendance upon him, and, within twelve hours after the

disease is known to exist, shall notify the medical officer of health, and shall not permit the person so suffering or any person in attendance upon him to mingle with the other pupils or inmates of the institution until the medical officer of health has certified that he may safely do so. 1927, c. 73, s. 73.

NUISANCES.

Removal, Abatement, etc.

73. Any condition existing in any locality which is or may become injurious or dangerous to health or prevent or hinder in any manner the suppression of disease shall be deemed a nuisance within the meaning of this Act. 1927, c. 73, s. 74.

74. Without restricting the general application of the next preceding section and for greater particularity it is declared that the following shall be deemed nuisances within the meaning of this Act:

- (a) Any premises or part thereof so constructed or in such a state as to be injurious or dangerous to health; Nuisances, what to be deemed.
Premises in dangerous condition.
- (b) Any street, pool, ditch, gutter, water-course, sink, cistern, water or earth closet, privy, urinal, cess-pool, drain, dung pit or ash pit, so foul or in such a state, or so situated as to be injurious or dangerous to health; Streets, pits, etc., in dangerous condition.
- (c) Any well, spring or other water supply injurious or dangerous to health; Water supply.
- (d) Any stable, byre or other building in which animals are kept in such a manner or in such numbers as to be injurious or dangerous to health; Stables, byres, etc.
- (e) Any accumulation or deposit of refuse, wherever situate, which is injurious or dangerous to health; Accumulations of refuse.
- (f) Any deposit of offensive matter, refuse, offal or manure contained in uncovered trucks or waggons at any station or siding or elsewhere so as to be injurious or dangerous to health; Offensive matter in uncovered trucks or waggons.
- (g) Any work, manufactory, trade or business so situated as to be injurious or dangerous to health; Trades situated so as to be dangerous.
- (h) Any house or part of a house so overcrowded as to be injurious or dangerous to the health of the inmates or in which insufficient airspace is allowed for each inmate to comply with the regulations; Overcrowded houses.

Defective drainage or ventilation or over-crowding in schools and factories.

- (i) Any school house, public or private, factory, shop or other building, which is not in a cleanly state or free from effluvia arising from any drain, privy, water or earth closet, urinal or other nuisance; or is not ventilated in such a manner as to render harmless so far as practicable any gases, vapours, dust or other impurities generated therein which are injurious or dangerous to health, or is so over-crowded as to be injurious or dangerous to the health of those employed or being therein;

Smoke from furnaces.

- (j) Any fireplace or furnace the fires of which do not, so far as practicable, consume the smoke arising from the combustible matter used therein for working engines, or used in any mill, factory, dye-house, brewery, bakehouse or gas works, or in any manufacturing or trade process whatever;

From chimneys.

- (k) Any chimney emitting smoke in such quantity as to be injurious or dangerous to health;

Offensive or dangerous burying grounds.

- (l) Any burial ground, cemetery or other place of sepulture so located or so crowded or otherwise so arranged or managed as to be offensive or injurious or dangerous to health. 1927, c. 73, s. 75.

Inspection of municipality.

75. The medical officer of health of any municipality, or any inspector or other person in the employ of the local board acting under his instructions, or any member of a local board may enter, inspect and examine at any time of the day or night, as often as he thinks necessary, any premises within the municipality for the purpose of carrying out the provisions of this Act, and may take such action as he deems necessary for carrying out the said provisions, and any person in charge of such premises for the time being shall render such aid to the medical officer of health or other person as may be necessary to make such inspection or examination. 1927, c. 73, s. 76.

Duty of medical health officer.

76.—(1) Every medical officer of health shall see that the municipality or location for which he is appointed is regularly inspected in order to prevent nuisances or to abate any existing nuisance.

Examination of premises and order for cleansing.

(2) If upon such examination he finds any premises in a filthy or unclean state, or that any matter or thing is there which, in his opinion, may endanger the public health, he may order the owner or occupant of the premises to cleanse the same, and to remove or destroy what is so found therein. 1927, c. 73, s. 77.

Where owner unknown or non-resident.

77. Where the owner of any premises wherein a nuisance exists is unknown or does not reside in the municipality, and the premises are unoccupied or the occupant is unable to remove the nuisance, the medical officer of health or the local board may, without previous notice, immediately cause the nuisance to be abated. 1927, c. 73, s. 78.

78. Where under the provisions of this Act, or of the regulations, or of any municipal by-law, a local board or any medical officer of health or sanitary inspector removes anything which is likely to be injurious to or to become or cause or is a nuisance, such thing shall be subject to the disposition of the local board, or, if the officer is acting under a by-law of a municipal council, shall be subject to the disposition of the council, and the owner of such thing shall have no claim in respect thereof. 1927, c. 73, s. 79.

Disposition
of articles
removed.

Owner to
have no
claims.

79.—(1) Wherever the local board of health or medical officer of health is satisfied of the existence of a nuisance, the medical officer of health shall serve a notice on the person by whose act, default or sufferance the nuisance arises or continues, or, if such person cannot be found, on the owner or occupier of the premises on which the nuisance exists or from which the same arises, requiring him to abate the same within a time to be specified in the notice, and to execute such works and do such things as may be necessary for that purpose.

Service of
notice requir-
ing abatement
of nuisance.

(2) Where the nuisance arises from the want or the defective construction of any structural convenience, or where there is no occupier of the premises, notice shall be served on the owner.

Service on
owner when
required.

(3) Where the person causing the nuisance cannot be found, and it is clear that the nuisance does not arise or continue by the act or default of the owner or occupier of the premises, and it is therefore improper that such owner or occupier should be required to abate it, the local board shall abate the nuisance at the expense of the corporation of the municipality. 1927, c. 73, s. 80.

Where owner
and occupant
not in fault.

80. Where a nuisance appears to be wholly or partially caused by some act or default committed or taking place without the municipality, the local board of the municipality affected thereby shall cause an inspection to be made, and when necessary shall take or cause to be taken against the person by whose act or default the nuisance is caused in whole or in part any proceedings in relation to nuisances by this Act authorized with the same incidents and consequences as if such act or default were committed or took place wholly within its jurisdiction. 1927, c. 73, s. 81.

Where cause
of nuisance
out of muni-
cipality.

81.—(1) If, on investigation by the local board, any nuisance is found to exist, and if after the board has required the removal or abatement of the same within a specified time, the board finds that default in removal or abatement has been made, and the case appears to the local board to involve the expenditure or loss of a considerable sum of money, or serious interference with any trade or industry, or other considerations of difficulty, the Department at the request of the local board may investigate and report upon the case.

Where con-
sideration of
difficulty
involved.

Application
to judge of
Supreme
Court.

(2) If the report of the Department recommends the removal or abatement of the nuisance, the local board or any ratepayer residing in the municipality, or within a mile thereof, may apply to a judge of the Supreme Court for an order for the removal or abatement of the nuisance, and to restrain the proprietors of any such industry from carrying on the same until the nuisance has been abated to the satisfaction of the Department; and the judge may make such order upon the report of the Department or upon such further evidence as he may deem meet.

Application of
Rev. Stat.
c. 111.

(3) *The Judges' Orders Enforcement Act* shall apply to every order made by a judge under this section. 1927, c. 73, s. 82.

Expenses in Respect of Abatement of Nuisance.

Where owner
or occupier
neglects to
abate.

82.—(1) Where the owner or occupier of any premises in which a nuisance exists fails, after due notice, to abate the same, the medical officer of health or sanitary inspector may enter upon the premises and take such steps as may be necessary to abate the nuisance.

Recovery
of expenses.

(2) All reasonable costs and expenses incurred in abating a nuisance shall be deemed to be money paid for the use and at the request of the person by whose act, default or sufferance the nuisance was caused, but shall be recoverable from both the owner and the occupier for the time being of the premises.

Collection of
expenses as
taxes.

(3) If the costs and expenses incurred in abating the nuisance are not paid by the owner or occupier within one month after a demand of payment, a statement of the amount of the costs and expenses, and of the person by whom and the premises in respect of which the same are payable, shall be delivered to the clerk of the municipality who shall insert the amount in the collector's roll, and the same may be collected in like manner as municipal taxes.

Occupier's
right to
deduct pay-
ment from
rent.

(4) The occupier for the time being of the premises may deduct any money recovered or collected from him which, as between him and the owner, the latter ought to pay, out of the rent then due or from time to time becoming due in respect of the premises.

Limit of
amount re-
coverable
from
occupier.

(5) An occupier shall not be required to pay any further sum than the amount of rent for the time being due from him, or which, after demand of such costs or expenses, and after notice not to pay his landlord any rent without first deducting the amount of such costs or expenses, becomes payable by such occupier, unless he refuses truly to disclose the amount of his rent and the name and address of the person to whom it is payable; and the burden of proof that the sum demanded from such occupier is greater than the rent due by him at the time of such notice, or which has since accrued, shall be on such occupier. 1927, c. 73, s. 83.

When Application to Supreme Court Necessary.

83.—(1) No determination or order of the Department or of a local board for the removal or abatement of a nuisance shall be enforced except by order of a judge of the Supreme Court where such removal or abatement involves the loss or destruction of property to the value of \$2,000 or upwards. Where application in respect of nuisance must be to Supreme Court.

(2) The order may be made upon the application of the Department or of the local board. 1927, c. 73, s. 84. Application for order.

OFFENSIVE TRADES.

84.—(1) Any person who without the consent of the local board or of the municipal council establishes any of the following trades or businesses or manufactures— Restriction on establishment of offensive trades.

Blood boiling,
 Bone boiling,
 Refining coal oil,
 Extracting oil from fish,
 Storing hides,
 Soap boiling,
 Tallow melting,
 Tripe boiling,
 Slaughtering animals,
 Tanning hides or skins,
 Manufacturing gas,
 Manufacturing glue,
 Fertilizers from dead animals, from human or animal waste, or

Any other trade, business or manufacture, which is or may become offensive, or which is by the regulations declared to be a noxious or offensive trade, business or manufacture

shall incur a penalty of not less than \$100 nor more than \$250, in respect of the establishment thereof, and a penalty of not less than \$20 for every day on which after notice in writing by the local board, or an officer thereof, to desist, such business, trade or manufacture is carried on, whether there has or has not been any conviction in respect of the establishment thereof. 1927, c. 73, s. 85. Penalty.

85.—(1) Any person who keeps or stores any rags, bones, junk, bottles, scrap iron or other metals, or other refuse within any municipality, except on premises approved of by the medical officer of health, shall incur a penalty of not less than \$10 nor more than \$50, and the continuance of the offence for each week after conviction shall be considered a separate offence. Storing rags, bones, etc. Penalty.

Appeal to
Minister as
to storage
of rags, etc.

(2) In the event of such approval being refused by the medical officer of health, the applicant shall have the right of appeal from such refusal to the Minister, who shall cause the premises to be examined, and make such enquiries as he may consider desirable, and grant or refuse such approval, or make such order or direction as he may deem proper, which determination shall be final. 1927, c. 73, s. 86.

MEDICAL AND DENTAL INSPECTION IN SCHOOLS.

Boards
to provide
for medical
and dental
inspection.
Rev. Stat.
c. 322.

86. Subject to any regulations made under *The Department of Education Act* the local board, upon such terms and conditions as may be agreed upon with any public or separate school board, shall provide medical and dental inspection for the pupils in the schools of the board and render such other services relating to the health and well-being of the pupils as any such regulation may require and as may be directed by the Minister of Health. 1927, c. 73, s. 87.

INSPECTION OF LODGING HOUSES, LAUNDRIES, ETC.

Medical
Officer of
Health may
enter and
examine
lodging
houses, tenements
and
laundries.

87.—(1) The medical officer of health or any sanitary inspector acting under his instructions may, at any time of the day or night, as often as he thinks necessary, enter into a lodging house, tenement where rooms are rented, or a laundry where the owner or employees reside upon the premises, or other building where he has reason to suspect that the same are overcrowded or occupied by more persons than is reasonably safe for the health of the occupants.

When found
overcrowded
or unsanitary.

(2) If upon such examination it is found that the premises are occupied by more persons than is reasonably safe for the health of the occupants, and that the sleeping rooms are such that six hundred cubic feet of air space cannot be provided for each occupant, or that the rooms or premises occupied by them are in a filthy or unclean state, or that any matter or thing is there which, in the opinion of the medical officer of health, founded on his own inspection or on the report of the sanitary inspector, may endanger the public health or the health of the occupants, the medical officer of health may order the owner or occupant to remove the inmates from the premises, or to remove that which causes the premises to be filthy or unclean, and put the rooms in a condition fit for human habitation. 1927, c. 73, s. 88.

Placarding
premises.

88. Where, in the opinion of the medical officer of health, any premises are so situated, so constructed or so improperly lighted, or in any other respect of such a character or in such a condition as to be unfit for human habitation or dangerous to health, he may cause such premises to be closed, and may affix a notice thereon in a prominent place setting forth the reason for such closing, and that the premises are closed by order of the medical officer of health; and no per-

son shall pull down or deface such notice or use the premises closed as a dwelling or cause the same to be so used. 1927, c. 73, s. 89.

INSPECTION OF DAIRIES, CHEESE FACTORIES, DAIRY FARMS, ETC.

89.—(1) The medical officer of health may make or cause to be made by a veterinary surgeon or other competent person a periodical inspection of all dairies, cheese factories, and creameries, dairy farms and slaughter-houses, and if upon such examination he finds that the premises are in a filthy or unclean state, or that any matter or thing is there which, in his opinion, may be injurious to or endanger the public health, he may order the owner or occupant of the premises to cleanse the same or to remove any such matter or thing.

Inspection
of dairies,
etc., and
slaughter-
houses.

Power to
order
cleansing.

(2) When the above named premises are used for the production of food which is offered for sale in another municipality the medical officer of health of the municipality where the food is offered for sale shall have authority to inspect such premises or to cause an inspection to be made. If upon such inspection he shall find a filthy or unclean state or that any matter or thing is there which in his opinion may be injurious to or endanger the public health he may prohibit food products from the aforementioned premises being offered for sale in the municipality for which he is medical officer of health and he shall warn the owners, occupiers or operators of the premises accordingly. Upon the violation of such prohibitory order after due warning the person violating the order may be summoned before a court of competent jurisdiction and upon conviction may be fined an amount not less than \$5 nor more than \$25 with the confiscation of all such products offered or exposed for sale in the municipality. 1927, c. 73, s. 90.

INSTALLATION OF PUBLIC WATER SUPPLY.

90.—(1) Whenever the council of any municipality or any municipal board or commission or any company or person contemplates the establishment of, or the extension of, or any change in an existing waterworks system, they shall submit the plans, specifications and an engineer's report of the water supply and the works to be undertaken, together with such other information as may be deemed necessary to the Department, and no such works shall be undertaken or proceeded with until the source of supply and the proposed works have been approved by the Department.

Plans to be
submitted to
Depart-
ment.

(2) The Department, upon the application for such approval, may direct such changes to be made in the source of supply or in the plans submitted as it may deem necessary in the public interest. 1927, c. 73, s. 91.

Department
may direct
change in
plans.

Department.
to have
supervision
of streams,
etc.

91.—(1) The Department shall have the general supervision of all springs, wells, ponds, lakes, streams or rivers used as a source for a public water supply or for agricultural, domestic or industrial purposes with reference to their purity, together with the waters feeding the same, and shall examine the same from time to time when the necessity for such examination arises, and inquire what, if any, pollution exists and the causes thereof.

Inquiry by
Department
as to com-
plaints of
pollution of
waters.

(2) The Department may inquire into and hear and determine any complaint made by or on behalf of a riparian proprietor entitled to the use of water, that any industrial waste or any other polluting material of any kind whatsoever which either by itself or in connection with other matter may corrupt or impair the quality of the water or may render such water unfit for accustomed or ordinary use has been placed in, or discharged into such water, or placed or deposited upon the ice thereof, or placed or suffered to remain upon the bank or shore thereof.

Report of
Depart-
ment.

(3) The Department may make a report upon such complaint and as to what remedial measures, if any, are required in respect to any alleged injury or invasion of right as it may deem just.

Application
to Court on
report of
Department.

(4) Where the report of the Department recommends the removal or degree of treatment of any such polluting material any riparian proprietor interested may apply to a judge of the Supreme Court or a county judge by way of originating notice according to the practice of the Court, for an order for the removal or abatement of the injury in terms of the report of the Department and to restrain the proprietors of the industry from carrying on the same, or the offending party or parties from continuing the acts complained of until the injury or invasion of right has been abated to the satisfaction of the Department.

Court may
act on report
of Depart-
ment
or further
evidence.

(5) The judge may make such order upon the report of the Department or upon such further evidence as he may deem meet and on such terms and conditions as may be deemed proper. 1927, c. 73, s. 92.

Depositing
filth, etc., in
Provincial
waters.

92.—(1) No garbage, excreta, manure, vegetable or animal matter or filth shall be discharged into or be deposited in any of the lakes, rivers, streams or other waters in Ontario or on the shores or banks thereof.

Disposal of
offensive
matter on
boats.

(2) The owners and officers of boats and other vessels plying upon any such lake, river, stream or other water shall so dispose of the garbage, excreta, manure, vegetable or animal matter or filth upon such boats or vessels as not to create a nuisance or enter or pollute such lake, river, stream or other water.

(3) Residents of a health resort or summer resort shall so dispose of garbage, excreta, manure, vegetable or animal matter or filth as not to create a nuisance or permit of its gaining entrance to or polluting any such lake, river, stream or other water. Residents of summer resorts.

(4) Any person who contravenes any of the provisions of this section shall incur a penalty not exceeding \$100. 1927, c. 73, s. 93. Penalty.

93. Water boards, water companies, water commissioners, the proper officers of any municipal corporation and any person making use as a source of water supply of any well or any other source within or partly within Ontario, and distributing the waters thereof for public, domestic or general uses, shall, from time to time, and whenever required by the Department, make returns to the Department upon forms to be furnished by it of such matters as may be required by the Department and called for by such forms, and any such water board, water company, water commissioner, officer or other person who shall, for the space of thirty days after being furnished with such forms, fail or neglect to make any such reports required shall incur a penalty of \$100. 1927, c. 73, s. 94. Returns from water-works.

94.—(1) No sewage, drainage, domestic or factory refuse, excremental or other polluting matter of any kind, which, either by itself or in connection with other matter, corrupts or impairs or may corrupt or impair the quality of the water of any source of public water supply for domestic use in any municipality, or which renders or may render such water injurious to health, shall be placed in or discharged into the waters, or placed or deposited upon the ice of any such source of water supply, or be placed or suffered to remain upon the bank or shore of any such source of water supply near the place from which the supply of water for domestic use is obtained, nor within such distance thereof as may be considered unsafe by the Department after an examination thereof by a member or officer of the Department nor shall anyone bathe or swim in the waters of any such sources of water supply within such area as may be fixed or defined by order of the Department. Polluting water supply.

(2) Every person who contravenes any of the provisions of subsection 1 shall incur a penalty of not more than \$100 for each offence, and each week's continuance after notice by the Department or local board to discontinue the offence shall constitute a separate offence. 1927, c. 73, s. 95. Penalty.

SEWERAGE SYSTEM AND SEWAGE.

95.—(1) Whenever the construction of a common sewer or of a system of sewerage, or an extension of the same, is contemplated by the council of any municipality, the council Sewerage system. Plans to be submitted.

shall first submit the plans and specifications of the work together with such other information as may be deemed necessary by the Department for its approval.

Department to inquire and report.

(2) The Department shall inquire into and report upon such sewer or system of sewerage, as to whether the same is calculated to meet the sanitary requirements of the inhabitants of the municipality, and as to whether such sewer or system of sewerage is likely to prove prejudicial to the health of the inhabitants of the municipality or of any other municipality liable to be affected thereby.

Amendment of plans at instance of Department.

(3) The Department may make any suggestion or amendment of the plans and specifications or may impose any condition with regard to the construction of such sewer or system of sewerage or the disposal of sewage therefrom as may be deemed necessary or advisable in the public interest.

Work not to be proceeded with until approved by Department.

(4) The construction of any common sewer or system of sewerage shall not be proceeded with until reported upon and approved by the Department, and no change in the construction thereof or in the disposal of sewage therefrom shall be made without the previous approval of the Department.

Modification, etc., of order.

(5) The Department may from time to time modify or alter the terms and conditions as to the disposal of sewage imposed by it, and the report or decision of the Department shall be final, and it shall be the duty of the municipal corporation and the officers thereof to give effect thereto.

Report to be sent to Department.

(6) Whenever required by the Department, the clerk of every municipal corporation having, using, owning, leasing or controlling a sewerage system or sewage disposal plant shall make returns to the Department upon forms to be furnished by it of such matters as may be required by the Department and called for by such forms, and in case of default the clerk shall incur a penalty of \$100.

Urban sewerage works or sewage disposal works in adjoining township.

(7) The sewerage system or sewage disposal plant of an urban municipality may, with the approval of the Department, be continued into, or through, or be situate in an adjoining township municipality, but before approving of any such work the Department shall give notice to the clerk of the township and shall hear and consider any objections which the council of the township or the residents therein may make to the location of the works.

Powers of urban municipality after approval of Department

(8) When the approval of the Department has been obtained the corporation of the urban municipality may enter upon, take and use such lands in the township as may be necessary, and for that purpose shall have and may exercise the same powers within the township as it has within its own municipality, and paragraph 53 of section 397 of *The Municipal Act* and clauses *a* and *b* following the said paragraph shall not apply.

Rev. Stat. c. 233.

(9) The Department may withdraw, amend or vary any approval given by it under this section or any order or certificate made by it, and may approve of a different or other system of sewerage, sewage disposal or sewage disposal plant, or a different or other location of the same.

Orders of Department as to sewerage or sewage disposal plant.

(10) Before acting under the provisions of subsection 9 the Department shall notify the clerk of the township municipality in which the system of sewerage is located or into or through which it is continued or in which it is proposed to locate the system of sewerage, or into or through which it is proposed to continue the same, or in which it is proposed to locate a sewage disposal plant, and the Department shall hear and consider any objections which the council of the township or any resident therein may make to the erection of the said work or any part thereof.

Hearing and notice to municipality affected.

(11) Where the Department has made an order or report under the provisions of subsections 7 to 10, the corporation of the urban municipality before proceeding with the work, shall apply to the Railway and Municipal Board, for an order prescribing the manner in which such work may be carried on, and notice of such application shall be given to the township municipality and to any resident therein whose property is, or may be, affected by the proposed works.

Application to Railway and Municipal Board.

(12) Upon such application the Railway and Municipal Board may make an order,—

Powers of Railway and Municipal Board.

(a) stopping up and closing any highway, road or road allowance, temporarily or permanently for the purpose of allowing the proposed work to be carried on; and vesting the same in the urban corporation, and providing for the opening of other roads, highways and road allowances for the use and convenience of the residents of the township municipality in lieu of the roads, highways and road allowances so stopped up and closed, and the provisions of section 85 of *The Registry Act* shall not apply;

Rev. Stat. c. 155.

(b) imposing such terms and conditions upon the urban municipality with respect to the construction and operation of the proposed works as the said Board may deem just;

(c) ordering that any buildings, restrictions, covenants running with the land or any limitations placed upon the estate or interest of any person or corporation, in any lands in or through which it is proposed that a sewage disposal system may be constructed or continued, or where the site of the sewage disposal plant is proposed to be located, shall be terminated and shall be no longer opera-

tive or binding upon or against any person or persons, and direct that any such order be registered under the provisions of *The Registry Act*;

- (d) fixing the compensation to be paid for lands taken or injured in the construction of such works.

Registration of order.

(13) The registration of any order under clause c of subsection 12, shall be a bar to any action or proceeding taken by any person or corporation claiming any right or benefits under or by reason of any such restrictions, covenants, interests, estate or title in the lands described in the order.

Jurisdiction of Board as to claims for damages.

(14) The Railway and Municipal Board shall have jurisdiction to enquire into, and hear and determine any application by or on behalf of any person or corporation interested complaining that any urban municipality constructing, maintaining or operating any sewage disposal system, or plant, or having the control thereof,—

- (a) has failed to do any act, matter or thing required to be done by an Act or regulation, order or direction, or by any agreement entered into by the corporation; or

- (b) has done or is doing any act or is failing to do any act and that such act or failure is causing depreciation, loss, injury or damage to any property of any owner, and the said Board may make any order, award or finding in respect of any claim of damage or injury, as it may deem just.

All claims to be determined by Board.

(15) The jurisdiction of the Railway and Municipal Board under this section shall be conclusive and all claims for injury or damages or any other matter arising under the provisions of this section relating to the construction by an urban municipality of a sewage disposal plant in a township municipality, shall be heard and determined by the Board and *The Railway and Municipal Board Act*, so far as it is practicable, shall apply to every application and order made to or by the Railway and Municipal Board under this section.

Rev. Stat. c. 225.

Agreement between urban and township municipalities.

(16) Where a sewage disposal plant or any connection therewith is constructed by an urban municipality in a township the council of the urban municipality and the council of the township may enter into an agreement for the connecting with and user of such sewage disposal plant or connections by the township municipality and residents thereof on such terms as may be mutually agreed upon. 1927, c. 73, s. 96.

By-law for issue of debentures not to be passed until approved by Department.

BY-LAWS FOR BORROWING FOR WATERWORKS AND SEWERAGE.

96.—(1) No by-law shall be passed for raising money for any of the purposes mentioned in sections 90 and 95 until the proposed water supply or sewerage system, as the case

may be, has been approved by the Department of Health, and such approval has been certified under the hand of the Minister.

(2) The by-law shall recite the approval of the Department. 1927, c. 73, s. 97. By-law to recite approval.

97.—(1) Where the Department reports in writing that it is of opinion that it is necessary in the interest of the public health that a waterworks system or an adequate water purification plant, or a sewer or a sewerage system, or an adequate sewage treatment plant should be established or continued, or that any existing waterworks system, water purification plant, sewer or sewerage system, or sewage treatment plant should be improved, extended, enlarged, altered, renewed or replaced, it shall not be necessary to obtain the assent of the electors to any by-law for incurring a debt for any of such purposes. Assent of electors not required.

(2) Where the Department has reported as provided by subsection 1, the council of a municipality shall forthwith pass all necessary by-laws for the establishment of the works reported upon and the corporation of the municipality shall immediately commence the work and carry the same to completion without unnecessary delay. Council on report of Department to pass by-laws and carry out works.

(3) The by-law shall not be finally passed until the approval of the Department has been obtained to the work to be done as hereinbefore provided and shall recite such approval. 1927, c. 73, s. 98. By-law not to be passed until approved.

98. Every waterworks system, water purification plant, sewer or sewerage system and sewage treatment plant established for public use shall at all times be maintained and kept in repair as may be necessary for the protection of the public health and as may be directed by any special order of the Department or by the regulations. 1927, c. 73, s. 99. Repairs and renewals, etc., powers of Department.

99. Any municipal corporation or body or person refusing or neglecting to carry out the provisions of either of the two next preceding sections, after notice from the Department so to do, shall incur a penalty of \$100 for every day upon which such default continues. 1927, c. 73, s. 100. Penalty.

ICE SUPPLIES.

100.—(1) The local board of a municipality in which supplies of ice are obtained, sold and stored may adopt such regulations regarding the source of supply and the place of storage of the same as are, in its opinion, best adapted to secure the purity of the ice and prevent injury to the public health, and for the supervision of ice supplies, whether ob- Regulation of ice supply by local board.

tained within or without the municipality, whenever the ice is intended for use within the municipality in which the board has jurisdiction.

Permit for cutting ice.

(2) No ice shall be cut from any lake, river, stream, pond, or other water for the purpose of being sold, or used for domestic purposes unless a permit therefor has been first obtained from the local board, and no person shall sell or deliver or dispose of in any way any ice for domestic purposes without first obtaining a permit therefor from the local board, and the local board may refuse a permit, or revoke any granted by it, when in their judgment the use of any ice cut or sold or to be cut or sold for domestic purposes under the same is or would be detrimental to the public health.

Local board to enforce regulations.

(3) Every local board shall enforce the regulations of the Department, and may prohibit the sale and use of any ice within the limits of the municipality, when, in its judgment, the same is unfit for use or the use of it would be detrimental to the public health.

Prohibiting distribution in municipality.

(4) The local board may prohibit, and, through its officers, prevent the bringing of any such ice for the purpose of sale or use for domestic purposes into the limits of the municipality, and may in the same manner prevent the sale of any such ice for domestic purposes within the limits of the municipality, when, in its judgment, the ice is unfit for use, or the use of it would be detrimental to the public health. 1927, c. 73, s. 101.

INSPECTION OF ANIMALS, MEAT, ETC.

Inspection of food supplies.

101.—(1) A medical officer of health or sanitary inspector may at all reasonable times inspect or examine any animal, carcass, meat, poultry, game, flesh, fish, fruit, vegetables, grain, bread, flour, milk or other article exposed for sale or deposited in any place for the purpose of sale, or for preparation for sale, and intended for food for man; and if such article appears to him to be diseased, or unsound or unwholesome, or unfit for food for man, he may seize and carry away the same, or cause it to be seized and carried away, in order that it may be destroyed or so disposed of as to prevent it from being exposed for sale or used as food for man.

Penalty.

(2) The person to whom the same belongs, or did belong at the time of exposure for sale, or in whose possession or on whose premises the same was found, shall incur a penalty of not less than \$10 nor more than \$100 for every such article unless he proves that he did not know and had no means of knowing the condition of such article.

(3) Where it is charged upon any prosecution under this section that any animal, or the meat or milk of any animal, is affected with any disease named in section 2 of *The Animal Contagious Diseases Act of Canada*, or with wens, clyers, actinomycosis or osteosarcoma, or any disease of a cancerous nature, the medical officer of health may make, or cause to be made, or request the Department to make, such scientific examination of the animal, meat or milk suspected of being diseased as may enable it to be determined whether or not such disease exists; and the Minister may instruct an officer of the Department to make such examination or cause the same to be made.

Scientific examination where existence of certain diseases charged. R.S.C., 1906, c. 75.

(4) The expenses of such examination, together with a fee not exceeding \$10, shall be certified by the Deputy Minister, and shall be payable by the treasurer of the municipality in which such animal, meat or milk is found.

Expenses and fee on examination.

(5) In any prosecution under this section the burden of proof that any article in respect of which the charge is laid is not kept for sale or intended for food for man shall be upon the person charged.

Onus of proof.

(6) A person, firm or corporation shall not manufacture or bottle for sale as food for man, any beverage such as carbonated water, natural and artificial mineral water, spring and distilled water, unfermented wine or cordials, concentrated syrup, extracts, essence, fruit juice, or any dry substance in concentrated form for the manufacture of any beverage, brewed ginger beer, or other non-intoxicating drink, without first obtaining a permit in writing so to do from the medical officer of health and the local board of the municipality in which such manufacturing or bottling is to be conducted.

Permit required for manufacturing or bottling of carbonated water, etc.

(7) When the medical officer and local board of health desire to cancel a permit they must give notice in writing of such cancellation to the person or persons or the agent of the person or persons to whom the permit was issued and such cancellation shall not become effective until thirty days after receipt of such notice by the said person, persons or their agent.

Cancellation of permit.

(8) Such permit may be refused and if granted may be cancelled or revoked for failure to comply with the regulations pertaining to the building, equipment and methods of manufacture or bottling of such beverage or if such beverage upon analysis is found to be contaminated or contain any injurious ingredients, or for other cause is found to be unfit for food. 1927, c. 73, s. 102.

Revocation of permit, on what grounds.

102.—(1) Whenever any medical officer of health or sanitary inspector knows or has reason to believe that blood, offal or the meat of any dead animal which has not been previously boiled or steamed when fresh or before becoming

Feeding certain things to hogs.

putrid or decomposed, or which, although boiled or steamed, is putrid or decomposed, has been or is being fed to hogs, he may seize and carry away the hogs, whether dead or alive, or otherwise detain them so as to prevent their removal.

Penalty.

(2) The owner, or person in charge of, or any person found feeding any such blood, offal or meat to hogs shall incur a penalty of not less than \$5 nor more than \$50, and upon his conviction the medical officer of health shall order the hogs, whether dead or alive, to be destroyed or so disposed of as to prevent them from being exposed for sale or used for food for man.

Onus of proof.

(3) In every prosecution under this section, where it is proved that such blood, offal or decomposed meat was found upon the premises, the burden of proof that the same was not intended to be fed to hogs shall be upon the person charged. 1927, c. 73, s. 103.

Inspection of slaughter houses.

103.—(1) Every butcher and other person selling meat shall on the request of the medical officer of health make affidavit as to the place at which the slaughter of his meat is carried on, and where it is without the limits of the municipality such place shall be open to inspection by the medical officer of health or by an inspector appointed by the council of the municipality in which the meat is offered for sale.

Notice to discontinue sale.

(2) In case of the refusal or neglect to make such affidavit or permit such inspection, the local board may give notice in writing to the butcher or other person to discontinue the sale of meat in the municipality.

Penalty.

(3) If after receiving such notice the butcher or other person sells or offers for sale any meat in the municipality he shall incur a penalty not exceeding \$20. 1927, c. 73, s. 104.

Killing or selling calves under three weeks old.

104.—(1) Any person who knowingly sells, or has in his possession with intent to sell as food for man, the meat of any calf less than three weeks old shall incur a penalty of not less than \$10 nor more than \$50.

Burden of proof.

(2) In every prosecution under this section, where it is proved that the meat of any calf less than three weeks old was found upon the premises, the burden of proof that the same was not intended as food for man shall be upon the person charged. 1927, c. 73, s. 105.

MUNICIPAL SLAUGHTER HOUSES, ABATTOIRS, ETC.

By-laws for establishing slaughter-houses, cattle-yards or pens.

105.—(1) The municipal council of a city or town may by by-law provide for the establishment, within the municipality, or in an adjoining municipality, the council of which has by by-law sanctioned its establishment therein, of a public slaughter-house or abattoir with proper cattle-yards and pens

in connection therewith for the proper keeping therein of animals intended for slaughter, and for charging fees for the use thereof.

(2) Every such slaughter-house or abattoir, and cattle-yard and pen, shall be constructed, equipped and regulated in conformity with the regulations. 1927, c. 73, s. 106.

Regulation
of slaughter
houses, etc.

106. The local board of the city or town by which the slaughter-house or abattoir, cattle-yards or pens are established shall have the supervision of them, and shall be responsible for the due carrying out of the regulations, and the costs of the supervision and inspection shall be paid from time to time by the treasurer of the city or town out of the fees charged, on the order of the local board of health. 1927, c. 73, s. 107.

Local board
of health
to have
control.

107. Such local board may employ one or more persons, approved of by the medical officer of health, to inspect at such slaughter-house or abattoir, or at such cattle-yards or pens, all animals, carcasses and meat brought into the municipality and intended for food for man. 1927, c. 73, s. 108.

Competent
persons
employed for
inspecting
animals and
meat.

108. Any meat-packing establishment shall be subject to inspection in the same manner as a municipal slaughter-house or abattoir. 1927, c. 73, s. 109.

Inspection
of meat-
packing
establish-
ments.

USE OF FORCE—ASSISTANCE BY CONSTABLES, ETC.

109. Any person who obstructs, hinders, or delays or prevents an officer of the Department, or any local board, or a member thereof, medical officer of health or sanitary inspector, or any person employed by or acting under the direction of any of them in the exercise of any of the powers conferred, or performance of any of the duties imposed upon them by this Act or by the regulations, or in carrying out any order lawfully given by them, shall incur a penalty of not less than \$25 nor more than \$100. 1927, c. 73, s. 110.

Penalty for
hindering
officers from
inspecting
meat, etc.

110. Whenever a local board or a member thereof, medical officer of health or sanitary inspector is required or empowered by this or any other Act or by the regulations or by a municipal by-law to do or to prevent or to direct or enforce the doing of anything, such board or member or officer or inspector may use such force and employ such assistance as is necessary to accomplish what is required, and may, when obstructed in so doing, call for the assistance of any constable or other person, and it shall be the duty of every constable so called upon to render such assistance. 1927, c. 73, s. 111.

Calling for
assistance of
constables,
etc.

PENALTIES AND RECOVERY THEREOF.

Penalties.
Communi-
cable
diseases.

111.—(1) Any person who contravenes any of the provisions of sections 53 to 72 for which no other penalty is provided shall incur a penalty of not less than \$25 nor more than \$100.

Other
offences.

(2) Any person who contravenes any other provision of this Act or of the regulations or of any municipal by-law passed under this Act, or wilfully disobeys or neglects to carry out any order or direction lawfully given by the Department, a local board, member of a local board, medical officer of health or sanitary inspector unless it is otherwise provided shall incur a penalty of not less than \$5 nor more than \$500.

Continuance
of offence.

(3) Where any person has been convicted of an offence under this Act or under any regulation or by-law enacted or in force thereunder, and such offence is in the nature of an omission or neglect, or is in respect of the existence of a nuisance, or other unsanitary condition, which it is such person's duty to remove, or of the erection or construction of anything contrary to the provisions of this Act, or of any regulation or by-law enacted or in force thereunder, then, if the proper authority in that behalf gives reasonable notice to such person to make good such omission or neglect, or to remove such nuisance or unsanitary condition, or to remove the thing which has been erected or constructed contrary to this Act or to such regulation or by-law, and default is made in respect thereof, the person offending may be convicted for such default, and shall be liable to the same punishment as was or might have been imposed for the original offence, and so on, from time to time, as often as after another conviction a new notice is given and the default continues; and in case of a third or subsequent conviction, it shall not be necessary in the information, conviction or other proceedings to make any reference to any conviction except the first, or to any notice except that in respect of which the proceedings are then being taken.

Penalty for
selling
biological
products
supplied
by Depart-
ment.

(4) Every person who sells either publicly or privately any of the biological products supplied to the public free of charge by the Department shall incur a penalty of \$100, and in default of payment thereof shall be liable to imprisonment for a period of three months. 1927, c. 73, s. 112.

Recovery of
penalties.
Rev. Stat.
c. 121.

112. Penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act* before a police magistrate or two justices of the peace. 1927, c. 73, s. 113.

Application
of penalties.

113.—(1) Every penalty recovered under this Act where the prosecution is by or at the instance of the corporation of a municipality, or the local board, or the medical officer of

health or other health officers of the municipality shall be paid to the treasurer of the municipality in which the offence was committed for the use of the local board of health.

(2) Where the prosecution is at the instance of the Department or of any Provincial officer or where the offence was committed in territory without municipal organization the penalty shall be paid to the Treasurer of Ontario. 1927, c. 73, s. 114.

Offences in unorganized territory.

114. Where any act or omission is a violation of any express provision of this Act and is also a violation of a by-law of a municipality in respect of a matter over which the council of the municipality has jurisdiction, a conviction may be had under either the Act or the by-law, but a conviction shall not be made under both for the same act or omission. 1927, c. 73, s. 115.

Where offence is against Act and by-law.

ALL PROCEEDINGS BARRED BY POVERTY, ETC.

115. Where any person who is unable from poverty or other sufficient cause to comply with any of the provisions of this Act, or of the regulations, gives notice of such inability to the medical officer of health, and the local board on examination is satisfied of such inability, the secretary thereof shall give his certificate to that effect, and such certificate shall be a bar to all proceedings against such person for a period of six months. 1927, c. 73, s. 116.

Certificate of poverty or inability a bar to prosecution.

STATUTORY BY-LAW.

116.—(1) The by-law set out in Schedule B, hereinafter called the statutory by-law, and every amendment thereof, shall be in force in every municipality as if enacted by the council thereof, and the council of every municipality shall have authority to pass by-laws with the approval of the Department for making additional requirements in respect to any of the matters dealt with by the statutory by-law.

Application of enactments in Schedule "B."

(2) The Department may permit the council of any municipality to amend the statutory by-law so as to conform to the requirements of the municipality or to meet such special circumstances as in the opinion of the Department may warrant such amendment.

Amendment of by-law.

(3) The by-law set out in Schedule B and any amendment thereof approved by the Department shall have the same force and authority as a regulation made under this Act by the Department. 1927, c. 73, s. 117.

Effect of by-law, sched. "B."

POSTPONEMENT OF MUNICIPAL AND SCHOOL ELECTIONS.

117.—(1) Where the Minister reports to the Lieutenant-Governor that on account of the prevalence in any municipality of any communicable disease it would be

Postponement of election in case of epidemics.

dangerous to hold an election in such municipality, the Lieutenant-Governor in Council may, of his own motion, or upon the application of the council of the municipality, issue his proclamation postponing the holding of any intended municipal or school election for a period not exceeding three months, and may from time to time further postpone such election if, in the opinion of the Minister, the necessity for postponement continues.

Fixing date
for holding
postponed
election.

(2) The Lieutenant-Governor may, by the proclamation, name the days for holding the nomination and polling, but, if no days are named therefor, the council shall as soon as practicable after the period named in such proclamation, or the last of such proclamations, expires, by by-law name the days for the nomination and polling. 1927, c. 73, s. 118.

UNORGANIZED TERRITORY.

Application
of sections
119 to 125.

118. Sections 119 to 125 shall apply only to territory without county organization. 1927, c. 73, s. 119.

Regulations.

119.—(1) The Minister may, with the approval of the Lieutenant-Governor in Council, make regulations,—

- (a) respecting any industry and the conditions under which the same may be carried on for the purpose of preventing nuisances and the outbreak or spread of disease;
- (b) for the cleansing, regulating and inspection of lumbering camps and of mining camps and railway construction works and of other places where labour is employed;
- (c) for providing for the inspection of houses and premises;
- (d) for providing for the employment of duly qualified medical practitioners by employers of labour in lumbering camps and in mining camps and on railway construction works and other works where labour is employed, and for the erection of permanent or temporary hospitals for the accommodation of persons so employed.

General or
local or
special.

(2) The regulations may be general in their application or may be made applicable specially to any particular locality or industry.

Expenses.

(3) The expenses of carrying out the regulations shall be paid to the person entitled thereto by the persons, firms or corporations whose duty it may be to carry out such regulations, and the amount so to be paid shall be apportioned by the Minister among them as he may deem proper, and every amount so apportioned shall be deemed to be a debt due

from the person, firm or corporation, and may be recovered by the person entitled thereto by action in any court of competent jurisdiction.

(4) If default is made in complying with any of the regulations the Department may direct that what is omitted to be done shall be done at the expense of the person, firm or corporation in default, and if the default is the failure to employ a duly qualified medical practitioner, as provided by clause *d* of subsection 1, the employing person, firm or corporation shall be liable to pay the reasonable expenses incurred by any employee for medical attendance and medicines, and for his maintenance during his illness.

Procedure on default of compliance.

(5) Where any regulation has been made by the Minister with the approval of the Lieutenant-Governor in Council under the provisions of this section relating to territory without municipal organization, the regulation may provide for the imposing of penalties for the violation of any regulation made under this section and every such penalty shall be recoverable under *The Summary Convictions Act* before a police magistrate or two justices of the peace. 1927, c. 73, s. 120.

Regulations in territory without municipal organization.

Penalties.

Rev. Stat. c. 121.

120. Every police magistrate shall be *ex officio* a medical officer of health in and for the district or part of a district for which he is appointed. 1927, c. 73, s. 121.

Police magistrates to be *ex officio* health officers.

121. Every constable shall be *ex officio* a sanitary inspector for the locality for which he is appointed. 1927, c. 73, s. 122.

Constables to be *ex officio* sanitary inspectors.

122. The Superintendent of the Algonquin Park shall be *ex officio* a medical officer of health for the Park, and for the territory surrounding it for the distance of one mile therefrom or from any part thereof; and all the park rangers, whether employed temporarily or otherwise, shall be *ex officio* sanitary inspectors under this Act for the Park and such territory. 1927, c. 73, s. 123.

Superintendent and officers in Algonquin Park.

123. The Lieutenant-Governor in Council may appoint medical officers of health; and every such officer shall within the locality for which he is appointed have all the powers and perform all the duties by this Act, or any other Act, conferred or imposed upon medical officers of health, or local boards of health, and shall also perform such other duties as the Lieutenant-Governor in Council may direct. 1927, c. 73, s. 124.

Local officers of health specially appointed.

124. The Minister may also, with the approval of the Lieutenant-Governor in Council, appoint in any of the unorganized districts one or more sanitary inspectors, who

Sanitary inspectors.

shall possess, in addition to the powers conferred upon sanitary inspectors by this Act, all the powers conferred upon local boards of health by section 25. 1927, c. 73, s. 125.

In unorganized territory.

125. The medical officer of health and the sanitary inspectors shall be paid such salary or other remuneration as may be determined by the Lieutenant-Governor in Council out of the appropriation made by the Legislature for the purposes of the Department. 1927, c. 73, s. 126.

EXPENSES OF ENFORCEMENT OF ACT.

Expenses to be payable in first instance by Province.

126.—(1) The expenses incurred by the Department in the enforcement of this or any other Act or of the regulations shall be payable in the first instance by the Treasurer of Ontario out of any money appropriated by this Legislature for the expenses of the Department, and in such manner and upon such certificate and after such audit as the regulations may prescribe, anything in *The Audit Act* or any other Act to the contrary notwithstanding.

Rev. Stat. c. 25.

Payment on certificate of proper officer.

(2) Whenever an account is certified by the officer or officers designated in the regulations to be properly payable out of such appropriation, such certificate shall be final and the Provincial Auditor shall thereupon direct the issue of a cheque in payment of the account. 1927, c. 73, s. 127.

PROCEEDINGS NOT TO BE QUASHED FOR WANT OF FORM, OR REMOVED INTO SUPREME COURT.

Proceedings not to be quashed for want of form or removed into Supreme Court.

127. No order or other proceeding, matter or thing, done or transacted in or relating to the execution of this Act shall be vacated, quashed or set aside for want of form, or be removed or removable by *certiorari* or otherwise into the Supreme Court. 1927, c. 73, s. 128.

Existing regulations continued.

128. Except in so far as they are inconsistent with this Act all existing regulations made under any of the Acts repealed by *The Public Health Act*, being chapter 58 of the Acts passed in the second year of His Majesty's reign, or under that Act are confirmed and declared to be legal, valid and binding and shall continue in force until altered or repealed by the Minister with the approval of the Lieutenant-Governor in Council. 1927, c. 73, s. 129.

SCHEDULE A.

(Section 49 (2).)

PUBLIC HEALTH.

Take notice that by virtue of *The Public Health Act*, and the regulations made thereunder, possession has been taken (*or obtained, as the case may be*) of the following lands (*or building, as the case may be*) namely,

(Reasonable Description.)

and further take notice that such land (*or building*) will be occupied and used for the purposes of the said Act or regulations from and after the date hereof for a period of _____ or such other time as may in the discretion of the undersigned be necessary.

Dated, etc.

(Signature.)

1927, c. 73, Sched. A.

SCHEDULE B.

(Section 116.)

BY-LAW IN FORCE IN EVERY MUNICIPALITY UNTIL ALTERED BY
THE MUNICIPAL COUNCIL.

1. It shall be the duty of the medical officer of health to assist and advise the local board of health and its officers in matters relating to public health and to superintend, the enforcement and observance, within this municipality, of health by-laws or regulations, and of Public Health Acts, and of any other sanitary laws, and to perform such other duties and lawful acts for the preservation of the public health as may, in his opinion, be necessary, or as may be required by the Department of Health of Ontario. He shall also present to the said board, before the 15th day of November in each year, a full report upon the sanitary condition of the municipality.

Duty of
medical
health
officer.

2. The sanitary inspector, besides performing the duties imposed by this by-law, shall assist the medical officer of health and perform such other duties as may from time to time be assigned to him by the local board of health or the medical officer of health.

Duty of
sanitary
inspector.

3. The chairman of the local board of health shall, before the 1st day of December in each year, present to this council a report containing a detailed statement of the work of the board during the year, and the report of the sanitary condition of the municipality, as rendered to the board by the medical officer of health. A copy of each such report shall be transmitted by the secretary to the Department.

Chairman
of board of
health to
report to
council.

Deposits endangering public health forbidden.

4. No person shall within the municipality suffer the accumulation upon his premises, or deposit, or permit the deposit, upon any land belonging to him, of anything which may endanger the public health, or deposit upon, on, or into, any street, square, lane, by-way, wharf, dock, slip, lake, pond, bank, harbour, river, stream, sewer, or water, any manure or other refuse, or vegetable or animal matter, or other filth.

Duty of sanitary inspector as to lands, etc.

5. It shall be a duty of the sanitary inspector to keep a vigilant supervision over all streets, lanes, by-ways, lots, or premises upon which any such accumulation may be found, and at once to notify the persons who own or occupy such lots or premises, or who either personally or through their employees have deposited such manure, refuse, matter, or filth, in any street, lane, or by-way, to cleanse the same, and to remove what is found thereon; such persons shall forthwith remove the same, and if the same be not removed within twenty-four hours after such notification the inspector may prosecute the persons so offending, and he may also cause the same to be removed at the expense of the person or persons so offending. He shall also inspect at intervals, as directed by the local board of health or medical officer of health, all premises occupied by persons residing within the municipality, and shall report to the board every violation of any of the provisions of this by-law, or of any other regulation for the preservation of the public health, and shall also report every case of refusal to permit him to make such inspection.

Examination of buildings or premises by sanitary inspectors.

6. Whenever it shall appear to the local board, or to any of its officers, that it is necessary for the preservation of the public health, or for the abatement of anything dangerous or injurious to the public health, or whenever a notice signed by one or more inhabitant householders of this municipality is received stating the condition of any building in the municipality to be so filthy as to be dangerous to the public health, or that upon any premises in the municipality there is any foul or offensive ditch, gutter, drain, privy, cess-pool, ash-pit, or cellar, kept or constructed so as to be dangerous or injurious to the public health or that upon any such premises an accumulation of dung, manure, offal, filth, refuse, stagnant water, or other matter or thing is kept so as to be dangerous or injurious to the public health, it shall be the duty of the sanitary inspector to enter such building or premises for the purpose of examining the same, and, if necessary, he shall order the removal of such matter or thing. If the occupant or owner or his lawful agent or representative having charge or control of such building or premises, after having had twenty-four hours' notice from any such officer to remove or abate such matter or thing, shall neglect or refuse to remove or abate the same, he shall be subject to the penalties mentioned in section 35.

Notice to put premises in proper sanitary condition or to quit same.

7. If the local board is satisfied upon due examination that a cellar, room, tenement, or building within the municipality, occupied as a dwelling-place, has become by reason of the number of occupants, want of cleanliness, the existence therein of a communicable disease, or other cause, unfit for such purpose, or that it has become a nuisance, or in any way dangerous or injurious to the health of the occupants, or of the public, the board may give notice in writing to such occupants, or any of them, requiring the premises to be put in proper sanitary condition, or requiring the occupants to quit the premises within such time as the board may deem reasonable. If the persons so notified, or any of them, neglect or refuse to comply with the terms of the notice, every person so offending shall be liable to the penalties mentioned in section 35, and the board may cause the premises to be properly cleansed at the expense of the owners or occupants, or may remove the occupants forcibly and close up the premises, and the same shall not again be occupied as a dwelling-place until put into proper sanitary condition.

8. No person shall at any time use any house, shop or out-house as a slaughter-house or as a place for slaughtering animals or fowls therein, unless such shop, house or outhouse is distant not less than two hundred yards from any dwelling-house, and not less than fifty yards from any public street.

Distance of slaughter-house, etc.

9. All slaughter-houses within this municipality shall be subject to inspection under the direction of the local board of health; and no person shall keep any slaughter-house unless the permission in writing of the board for the keeping of such slaughter-house has been first obtained, and remains unrevoked. Such permission shall be granted, after approval of such premises upon inspection, subject to the condition that the slaughter-house shall be so kept as to comply with the regulations of the Department respecting slaughter-houses, and upon such condition being broken the permission may be revoked by the board; and all animals to be slaughtered, and all fresh meat exposed for sale in this municipality shall be subject to like inspection.

Inspection of slaughter-houses.

10. All milch cows, cow byres and dairies, and all places in which milk is sold or kept for general use, and all cheese-factories and creameries shall be subject to inspection under the direction of the board; and the proprietors shall obtain permission in writing from the board, to keep any such dairy or other place in which milk is so sold or kept, or to keep a cheese factory or creamery, and the same shall not be kept by any person without such permission, which shall be granted after approval of such premises upon inspection, subject to the condition that all such places are so kept and conducted that the milk shall not contain any matter or thing liable to produce disease, either by reason of adulteration, contamination with sewage, absorption of disease germs, infection of cows, or any other cause, and upon such condition being broken the said permission may be revoked by the board.

Inspection of cow byres, cheese factories and creameries.

11. No person shall offer for sale within this municipality, as food, any diseased animal, or any meat, fish, fruit, vegetables, milk, or other article of food which, by reason of disease, adulteration, impurity, or other cause is unfit for use.

Sale of diseased food.

12. It shall be the duty of the owner of every house within this municipality to provide for the occupants of the same a sufficient supply of wholesome drinking water; and if any occupant of the house is not satisfied with the wholesomeness or sufficiency of such supply, he may apply to the local board of health to determine as to the same; and if the supply is sufficient and wholesome, the expense incident to such determination shall be paid by such occupant; and if not, by the owner; and in either case such expense shall be recoverable in the same manner as municipal taxes.

Supply of drinking water.

13. If the local board of health or the medical officer of health certify that any well should be filled in or otherwise treated, such well shall be dealt with accordingly by the owner or occupant of the premises. Pending compliance with the order of the local board of health, or the local medical officer of health, the local medical officer of health shall take such measures as in his judgment may be necessary to prevent the use of water from the said well. No well shall be used as a privy, privy-vault or cess-pool.

Wells to be cleaned out, etc.

14. No privy-vault, cess-pool, septic tank or reservoir into which a privy, water-closet, stable or sink is drained, shall be established until the approval in writing of the medical officer of health has been obtained.

Details of establishment of privy vaults, etc., to be approved by M. O. H.

15. The next preceding section shall not apply to privies or closets with a water-tight container above the surface of the ground, but sufficient dry earth, wood ashes, coal ashes or other material to

Time deposits to be removed.

absorb all fluids of the deposit must be thrown upon the contents of such privies daily, and the contents covered completely with chloride of lime once each week. The contents, when removed shall be disposed of in a sanitary manner to the satisfaction of the medical officer of health or the local sanitary inspector.

Cleaning out and disinfecting privy vaults, etc.

16. If the exigencies or circumstances of the municipality require that privy-vaults, cess-pools and reservoirs shall be allowed in accordance with section 14, they shall be cleaned out or disinfected or both on the order of the medical officer of health, or the local board of health.

Deodorization before removal.

17. Within the limits of this municipality no night-soil or contents of any cess-pool, septic tank or reservoir shall be removed, unless the removal is by some odourless process.

18. It shall be the duty of the owner of every house, apartment and place of business within this municipality to provide for the occupants, employees and customers adequate sanitary closets and toilet accommodation.

Time for removal of decayed animal or vegetable matter.
Time for removal of garbage.

19. All putrid and decaying animal or vegetable matter must be removed from all cellars, buildings, out-buildings and yards on or before the 1st day of May in each year.

20. Every householder and every hotel and restaurant-keeper or other person shall dispose of all garbage, for the disposal of which he is responsible, either by burning the same or by placing it in a proper covered receptacle, the contents of which shall be regularly removed, at least twice a week.

Restaurants to have wash rooms, etc.

21. All restaurants or eating houses operated in this municipality shall be required to have wash rooms and toilets, one for males and one for females for the accommodation of the public.

Hogs.

22. Swine shall not be kept within the limits of this municipality, except in pens, with floors kept free from standing water and regularly cleansed and disinfected, and distant at least one hundred feet from any dwelling house, school house or church.

Livery stable.

23. The keeper of every livery or other stable shall keep his stable and stable-yard clean, and shall not permit more than two waggon-loads of manure to accumulate in or near the same at any one time, and shall at all times keep such manure in a proper covered receptacle.

House construction. Soil of building sites to be disinfected.

24. No house shall be built upon any site, the soil of which has been made up of any refuse, unless such soil has been removed from such site, and the site disinfected, or unless the soil has been covered with a layer of charcoal or ashes, covered by a layer of concrete at least six inches thick and of such additional thickness as may be requisite under the circumstances to prevent the escape of gases into such proposed house.

Ventilation of drains, etc.

25. The drain of every house connected with a sewer or cess-pool shall be properly ventilated by means of a pipe extending upward from the highest point of the main soil or waste-pipe, and also by a pipe carried upward from the drain outside the walls of the house. Such pipes shall be of the same dimensions as the main soil or waste-pipe, and shall be constructed of the same material or of stout galvanized iron, and no trap shall intervene between the ventilating pipes. If a trap intervenes between the sewer or cess-pool and the ventilating pipes, then a four-inch ventilating pipe of such material shall be carried from a point between such trap and the sewer. Every ventilating pipe shall be carried above the roof of the house, and shall open above at points sufficiently remote from every window, door, sky-light, chimney or other opening leading into any house to prevent the escape into it of gases from such ventilating pipes.

26. No pipe from any drain or soil pipe shall be connected with any chimney in a dwelling-house.

27. Every house-drain shall be constructed of vitrified earthen-ware or iron pipe; and every soil and waste-pipe of iron pipe shall be rendered impervious to gas or liquids, by the joints being run with lead and caulked, or constructed of lead pipe weighing at least six pounds to the square foot; and the waste-pipe from every closet, sink, tub, wash-basin or other service shall have as near as possible to the point of junction with such service a trap so constructed, vented and furnished, that it shall at no time allow of the passage of gas into the house. And all joints shall be so constructed as to prevent gas escaping through them.

Description
of drain
pipes.

28. The construction of any closet or other convenience which allows of the escape from it or from the drain or soil-pipe into the house of air or gas is prohibited.

Certain
closets
prohibited.

29. No pipe supplying water to a water-closet or urinal shall be directly connected with a pipe supplying water for drinking purposes.

Pipes sup-
plying water
to closets.

30. Every person who erects or causes to be erected any building shall, within two weeks after the completion thereof, deposit with the local board of health plans of the drainage and plumbing of the same as executed; and in the case of any alteration of any such plumbing or drainage, it shall be the duty of the owner of the house, within two weeks of the making of the alteration, to deposit in the same manner a plan of any such alteration; if such alteration is made by an occupant it shall be his duty to deposit or cause to be deposited the plan.

Plumbing
and drain-
age plans
to be filed.

31. The medical officer of health or the secretary of the local board of health shall provide each legally qualified medical practitioner, practising within this municipality, with blank forms on which he shall report cases of communicable disease to the medical officer of health, officer or secretary, and, also, with other blank forms on which to report death or recovery from any such disease.

Rules re-
specting in-
fectious and
contagious
diseases.
Duties of
M. O. H.

32. All such forms shall be so printed, gummed and folded that they may be readily sealed, without the use of any envelope, and shall call for the following information:

Forms,
kind of.

Report of Communicable Disease.

Christian name and surname of patient:

Age of patient:

Blank
forms.

Locality (giving street, number of house or lot), where patient is:

Name of disease:

Name of school attended by children from that house:

Measures employed for isolation and disinfection:

(Signature of physician):

.....

Report of Death or Recovery from Infectious Disease.

Christian name and surname of patient:

Locality (giving street, number of house or lot), where patient is:

Name of disease:

How long sick:

Whether dead or recovered:

Means of disinfection employed, and when employed:

(Signature of physician):

.....

Notice of
disease
to be
posted up.

33. The medical officer of health within six hours after he has received notice of the existence in any house of any communicable disease in respect of which it is his duty to do so, shall affix or cause to be affixed, near the entrance of such house, in plain view of the public, a card at least nine inches wide and twelve inches long, stating that such disease exists in the house, and stating the penalty for removal of such card without the permission of the medical officer of health, and no person shall remove such card without his permission.

Not to be
removed.

Animals
affected.

34. No animal suffering from any communicable disease shall be brought or kept within this municipality, except by permission of the medical officer of health.

Penalties.

35. Any person who violates sections 4, 6, 7, 9, or 11 of this by-law or section 24 or sections 33 or 34, shall for every offence, incur a penalty of not less than \$5 nor more than \$50; and any person who violates any other provision of this by-law shall for every offence incur a penalty of not more than \$20; and such penalties shall be recoverable under *The Summary Convictions Act*.

Rev. Stat.
c. 121.

1927, c. 73, Sched. B.